

O R D E R

In terms of the signed order, certain directions have been given.

The Registry is directed to notify Dr. C.V. Ananda Bose, Director General of National Museum and Vice-Chancellor, National Museum Institute, New Delhi, about the constitution of the Expert Committee with a copy of this order requesting him to constitute the Expert Committee. The said order may also be communicated to Justice M.N. Krishnan, Co-ordinator of Overseeing Committee.

List the matter in the 1st week of September, 2011.

(O.P. Sharma) (M.S. Negi)
Court Master Court Master
(Signed order is placed on the file)

ITEM NO.1 COURT NO.3 SECTION XIA

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

Petition(s) for Special Leave to Appeal (Civil) No(s).11295/2011

(From the judgement and order dated 31/01/2011 in WPC No.
36487/2009 of The HIGH COURT OF KERALA AT ERNAKULAM)

SRI MARTHANDA VARMA AND ANR. Petitioner(s)

VERSUS

T.P. SUNDARA RAJAN AND ORS. Respondent(s)

(With appln(s) for impleadment as party respondent and office report)

WITH SLP(C) NO. 12361 of 2011
(With prayer for interim relief and office report)
SLP(C) NO. 17081-17082 of 2011
(With prayer for interim relief and office report)
(FOR INTERIM DIRECTIONS)

Date: 21/07/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Mr. K.K. Venugopal, Sr. Adv.
Mr. S.V. Balakrishna Iyer, Sr. Adv.
Mr. Parameswaran Nair, Adv.
Mr. Gopal Sankaranarayanan, Adv.
Mr. Shyam Mohan, Adv.
Mr. B.V. Deepak, Adv.
For M/S. T.T.K. Deepak & Co., Adv.

Mr. P.P. Rao, Sr. Adv.
Mr. s. Udaya Kumar Sagar, Adv.
Mr. M.K.S. Menon, Adv.
Mr. Karan Kanwal, Adv.
Mr. Robin V.S., Adv.
For M/S. Lawyer'S Knit & Co

For Respondent(s)

Ms. Liz Mathew, Adv.

- 2 -

Mr. Vipin Nair, Adv.
Mr. P.B. Suresh, Adv.
Mr. Vivek Sharma, Adv.
M/S. Temple Law Firm, Adv.

(I.A.No.1/2011 in SLP(C)No.11295/2011)

Mr. Sanand Ramakrishnan, Adv.

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

In terms of the signed order, certain
directions have been given.

List the matter in the 1st week of
September, 2011.

(O.P. Sharma) (M.S. Negi)
Court Master Court Master
(Signed order is placed on the file)

1

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION [C] NO.11295 OF 2011

Sri Marthanda Varma and Anr.

... Petitioners

Vs.

T.P. Sundara Rajan & Ors.

... Respondents

With SLP(C) No.12361/2011
And SLP(C) Nos.17081-17082/2011

O R D E R

The State of Kerala in its affidavit dated
14.7.2011 has declared its stand on the issues as
follows :

Ownership :

All articles found in the Kallararas of Shree Padmanabha Swami Temple (including objects of value gold ornaments, precious stones and antiques) belong to the deity (Temple) and neither the State Government nor the family of ex-rulers of Travancore can have any claim over them.

Storage/Exhibition :

The ornaments/antiques are not suitable or sufficient for creating a separate museum. All the articles being property of the temple, should remain within the confines of temple premises. It is neither

2

practical nor advisable to remove them from the temple environs.

Security :

A senior officer of the rank of Additional Director General of Police has been put in special charge of the security of the temple. A control room has been made operational. A special team of Police officers has been entrusted with the task of studying the security requirements. Ensuring adequate security for the temple is the primary responsibility of the government and it will do everything necessary for acquisition of the state-of-the art security systems (which are least obtrusive and most effective) and install them shortly. The temple will be guarded round-the-clock. Commandos have been posted to guard the gates.

2. The petitioners (Sri Marthanda Varma the sole trustee and the Executive Officer of the temple) have expressed their views in the affidavit dated 14.7.2011 filed by the Executive Officer:-

Ownership :

All articles, ornaments, valuables, precious stones, antiques without exception found in the Kallararas belong to the Presiding Deity of Shree Padmanabhaswamy Temple and neither Mr. Marthanda Varma nor his family members have any claim over them. Mr. Marthanda Varma merely administers the property/assets of the deity and the temple as the Trustee.

3

Storage/Exhibition :

The articles found in Kallara 'A' can be segregated into three categories:

- (i) Articles having historic/heritage/artistic value considered "priceless", can be kept in the Kallara itself, and taken out periodically for being exhibited on special occasions, within the temple premises for the benefit of the devotees and general public.
- (ii) Even articles which have only some historic/

heritage/artistic value, and cannot be considered to be 'priceless' shall also be kept in the safe custody in the Kallara.

(iii) Articles having monetary value but no historic/heritage/artistic value, could be disposed of and the proceeds used for purchasing immovable properties, for renovation and maintenance of the temple and for education including establishment of a 'Veda Pathasala' and a 'Thanthirika Peedom' for imparting training and grooming temple priests.

Inventory :

Videography and photography of the articles in Kallara 'A' may be avoided, as the inventory has already been completed. But if it is found that videography/photography is necessary for completing the inventory, the same may be carried out strictly under the supervision and the films/cartridges shall be deposited in a sealed cover so that unauthorized copies are not made.

As the primary object of the inventory is to ascertain what is available and not disposal or sale, there is no need to have a valuation. However the services of a conservationist or expert in antiques may be availed for categorizing the articles and completing the inventory in a scientific manner.

4

Security arrangements :

While installing security systems, in particular CCTVs and other electronic devices, care should be taken in regard to two aspects. First is that the customs/traditions of the temple should be respected and taken note of. Second is that worship by the devotees should not be disturbed. The Police personnel on security duty, when inside the temple, should be unobtrusive and comply with the dress code of the temple.

3. Sri Rama Varma, petitioner in another SLP has made

the following suggestions, in an affidavit filed by his

power of attorney holder:

(i) The articles found from the Kallaras should not be removed from the sanctum sanctorum of the temple nor should be exhibited outside the temple. A few sample items of antique/archaeological value may be exhibited in the premises of the temple complex. Alternatively they may be exhibited in the museum adjoining the temple after making appropriate arrangements for display and security.

(ii) Opening Kallara-B may be avoided. If it is to be opened that should be done after conducting the traditional Deva Prashnam.

4. After considering the submissions made during arguments and the suggestions in the affidavits, we find

that action is required in the following areas :P

- (a) A detailed inventory of the articles in Kallaras A
5

and C to F with videography/photography shall have to be completed under the supervision of an Expert Committee. The videographer/photographer employed for this purpose shall have security clearance from the local Police authorities.

- (b) The services of Experts/Conservationists shall have to be availed so that handling the articles at the time of inventory or disturbing the environment in which they were stored in the Kallaras for centuries does not affect the articles.

- (c) Adequate and proper arrangements will have to be made for security. This would involve not only policing the premises but also having security measures/systems as also provision of a strong room/vaults/steel lining in the Kallaras with the assistance of a security expert.

5. To achieve the aforesaid results, we hereby constitute the following Expert Committee to advise regarding inventory, conservation and security :

- (1) Dr. C. V. Ananda Bose, : Co-ordinator
Director General of National Museum and
Vice-Chancellor,
National Museum Institute
New Delhi.

- (2) Prof. Dr. M.B. Nair, : Member
Head of Conservation Department,
National Museum Institute
New Delhi.

- (3) Nominee of the Director, Archaeological : Member
Survey of India (from its science/research wing).

6

- (4) Nominee of the Governor of : Member
Reserve Bank of India
who is an Expert from its security wing.

- (5) The Executive Officer of the Temple : Member

6. The said Expert Committee is entrusted with the following responsibilities:

- (a) To organize the inventory by videography/

photography of the articles in Kallaras A, C to F, and supervise such inventory and arrange for proper storage of the articles in the respective Kallaras after completion of the inventory.

(b) To examine and categorise the articles into three groups: (i) Articles/ornaments having historic/heritage/artistic/antique value. (ii) Articles that are required for regular use in the temple for religious purpose. (iii) Articles and ornaments which cannot be considered to be having any historic/heritage/artistic/antique value, but having merely a monetary value.

(c) To draw up long term and short term measures for preservation, conservation, maintenance of the articles/antiques in Kallaras of the Temple.

(d) Prepare a scheme for providing security measures in the temple premises and in the Kallaras.

(e) Examine whether any of the articles are worthy of exhibition for the benefit of the devotees and if so examine the feasibility of creation of a high security

7

museum within the temple premises or the adjoining museum.

(f) Examine and give an opinion whether it is necessary to open Kallara 'B' at this stage.

7. In view of the constitution of the said Expert Committee, there is no need to continue the large Committee of Observers. In place of the seven member Observer Committee earlier appointed, the following smaller Overseeing Committee is appointed to supervise and guide the working of the Expert Committee and to complete the inventory and continue as Observers :

- (i) Justice M.N. Krishnan. -Co-ordinator
- (ii) Mr. Marthanda Varma (or his special nominee)- Member
- (iii) Secretary, Devaswom Department of Government of Kerala (or his special nominee). - Member

8. We also issue the following supplementary directions :

(a) The members of the Expert Committee shall schedule their visit in co-ordination with the Co-ordinator of Overseeing Committee, so that the entire inventory is carried out continuously and uninterruptedly on day-to-day

basis.

(b) The state government and the Temple Trust shall meet the expenses of the said Expert Committee including their travel, lodging and other expenses.

(c) Except the members of the Overseeing Committee,
8

Expert Committee and the personnel required for the actual physical handling and security, no unauthorized person shall be permitted to be present at the time of inventory.

(d) The reports in the Media about the value of the articles in the Kallaras (admittedly unverified and speculative), without seeing or examining the articles, is disturbing. We trust that the media will show more care and responsibility in such matters and avoid baseless speculations which are likely to mislead the public.

(e) The members of the Overseeing Committee/the Expert Committee are expected to give their opinions and reports only to this Court and none else.

.....J.
(R V Raveendran)

New Delhi;
July 21, 2011.

.....J.
(A K Patnaik)