

## MEDIA STATEMENT

5 September 2014

### NGA statement regarding the Shiva Nataraja

The Prime Minister of Australia, the Honourable Tony Abbott MP, today presented the Shiva Nataraja sculpture to the Prime Minister of India Mr Narendra Modi in a gesture of goodwill and respect. This was undertaken with the cooperation and approbation of the National Gallery of Australia. Chair of the Gallery Council, Mr Allan Myers QC had wished to be present in India but was unable to travel due to existing commitments in Australia.

The Director of the National Gallery, Dr Ron Radford AM, said “From the moment of the arrest in October 2012 of Mr Subhash Kapoor, the former Indian art dealer based in New York who sold the Shiva to the Gallery, the Gallery pledged its co-operation with the authorities in the investigation of the matter. This has happened, although Mr Kapoor has not so far been charged with any offence in the United States and is awaiting trial in India.”

“The National Gallery of Australia would never knowingly purchase a stolen or looted item. Accusations surrounding the Gallery’s acquisition of the Shiva have been damaging to the reputation of Gallery. Some have been quick to judge, suggesting the Gallery rushed into the purchase relying only on Kapoor’s reputation and reassurances. They have ignored or glossed over the lengthy, comprehensive and independent research that the Gallery undertook before acquisition. Despite these efforts, court proceedings may yet confirm that the Gallery has been a victim of a most audacious fraud,” Dr Radford said.

“In the context of intergovernmental relations and the possible legal proceedings against Mr Kapoor, the Gallery has been not in a position to fully defend its actions regarding this issue.”

The Shiva was openly offered for sale in New York by Mr Subhash Kapoor of *Art of the Past*. He was an established dealer whose clients over 30 years have included the Metropolitan Museum of Art in New York, the Boston Museum of Fine Arts, the Smithsonian Institution and the Art Gallery of New South Wales. From the time of first negotiations with Mr Kapoor in early 2007 through until the purchase of the Shiva in February 2008, the Gallery professionally and conscientiously undertook its own due diligence concerning the history and provenance of the object.

The assertion that the Gallery relied solely on the provenance information provided by Art of the Past is simply untrue. The Gallery’s independent research included reviewing the Indian Archaeological Survey and Chola literature, consulting an Indian Chola bronze specialist and checking international stolen art loss registers. In particular the search process involved:

- Consulting the Interpol Stolen Art database.
- Seeking and checking statements of the chain of ownership and receipts of original purchase that identified the sculpture was purchased by the former owner from a commercial gallery in India in 1970.

Three key documents were furnished:

- The receipt of purchase in India from Fine Art Museum (dealer), Delhi on 14 May 1970 to purchaser Mr Abdulla Mehgoub.
- A letter of provenance from Mrs Raj Mehgoub (in which she declares herself to be the wife of Abdulla Mehgoub) dated 15 January 2003 confirming events of the purchase.
- A receipt of sale from Mrs Raj Mehgoub (by then, widow of Abdulla Mehgoub) to *Art of the Past* dated 18 October 2004.

The Gallery was able to confirm that the people named in the documents existed and were at the addresses indicated on the receipts. At the Gallery's request, Mr Kapoor supplied detailed biographical information on the couple, including explanations of changes of address.

- Obtaining an Art Loss Register certificate (this register is the world's largest private database of lost and stolen art, antiquities and collectables) confirming the Shiva was not listed on the database.
- Regularly checking the Tamil Nadu Police Idol Wing website where thefts in this state of India are reported (no object resembling the work was listed on that site prior to its purchase by the Gallery).
- Undertaking extensive research of published Chola bronzes, including Archaeological Survey of India records, and other sources of archive photographs.
- Liaising with a Chola bronze expert in India, who was supportive of the acquisition and raised no concerns about its provenance.
- Appointing an independent legal specialist to review the due diligence procedures required to meet the Gallery's legal and ethical obligations and taking that advice as practicable so that the Gallery could ensure that contractual, title and ethical issues were addressed.
- Entering into an agreement with Mr Kapoor and obtaining warranties and indemnities that specifically included warranties as to ownership, title and overall legality of the acquisition.

In all this research there was no suggestion of the work being stolen or illegally removed from India.

Dr Radford noted, "Each stage of the Gallery's investigations was carried out in accordance with international best practice standards in the acquisition of a significant work of art. The motivation for this major acquisition of supreme aesthetic quality was to promote the rich culture of India – an important and respected regional neighbour - for the benefit of all Australians."

At the time of the announcement of Mr Kapoor's extradition to India and before reports in the media in Australia, the Gallery immediately contacted the Indian High Commission in Canberra to ensure our cooperation in relation to this issue. In retrospect, had the theft been discovered and reported earlier, before the Gallery purchased the work in 2008, the history of this situation would be very different.

Mr Kapoor's trial is yet to be heard and he has proclaimed his innocence.

In light of the situation, and with the involvement of independent legal specialists, we have further strengthened our due diligence policies and are reviewing the provenance of specific parts of our collection more broadly.

The Gallery will not make further comment on this issue at this time.