

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION(C) NO. 185 OF 2016

All India Human Rights & Social Justice Front ..Petitioner

versus

The High Commissioner of U.K. (Britain) and others ..Respondents

WITH

WRIT PETITION(C) NO. 367 OF 2016

Heritage Bengal and another ..Petitioners

versus

Union of India and another ..Respondents

O R D E R

Writ Petition(C) No.185/2016

1. Respondent no.2 - Union of India has filed a counter affidavit in this Court, wherein it has inter alia been stated as under:

"10. It may be noted that the relevant instrument is the 1970 UNESCO Convention on the Means of Prohibiting and Preventing Illicit Import, Export and Transfer of Ownership of Cultural Property, which deals with illicit import, export and transfer of ownership of cultural property. UK became a signatory to the Convention in 2002 while India has been a signatory since 1977. It would be seen that Article 15 of the Convention allows State Parties to seek the restitution of a removed cultural property by entering into a special agreement with the concerned State Party with respect to cultural property removed or transferred before its entry into force of the Convention, Article 15 would be relevant. It is reiterated that India's credentials regarding ownership of the Koh-I-Noor based on historical evidence cannot be doubted.

11. Keeping in view of the above, the answering respondents state that the Kohinoor, as also other Indian artifacts, manuscripts and items of artistic and historical value that are presently in the UK, are a significant expression of India's historical heritage. Kohinoor is an Indian artifact that was located for most of its history within the political and geographical boundaries of India. The answering respondents are mindful of the sentiments that have been expressed by the Indian public and the Parliament from time to time, about the return of the Kohinoor and other items of India. The Government of India continues to explore ways and means for obtaining a satisfactory resolution to the issue with the UK Government."

2. In view of the stand adopted by the Union of India, we are satisfied, that nothing further survives in this petition.

3. The instant petition is accordingly disposed of.

Writ Petition(C) No.367/2016

Since the issue involved in this petition is similar to the one involved in Writ Petition(C) No. 185/2016, titled All India Human Rights and Social Justice Front vs. The High Commissioner of U.K.(Britain) and others, which we have disposed of today, the instant writ petition is also disposed of in the same terms.

.....CJI
[JAGDISH SINGH KHEHAR]

.....J.
[Dr. D.Y. CHANDRACHUD]

NEW DELHI;
APRIL 21, 2017.

.....J.
[SANJAY KISHAN KAUL]

ITEM NO.7

COURT NO.1

SECTION PIL(W)

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 185/2016

ALL INDIA HUMAN RIGHTS AND SOCIAL JUSTICE FRONT. Petitioner(s)

VERSUS

THE HIGH COMMISSIONER OF U.K. (BRITAIN) AND ORS Respondent(s)
(with appln. (s) for ad-interim ex-parte stay and directions and
permission to file additional documents and office report)

WITH W.P. (C) No. 367/2016

(With WITH APPLN. (S) FOR permission to file additional documents
and Office Report)

Date : 21/04/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Dr. Nafis A. Siddiqui, Adv.
Mr. Atul Sinha, Adv.
Mr. Jitendra Kumar, Adv.
Mr. Shakeel Ahmed, Adv.
Mr. S.K. Upadhyay, Adv.
Mr. Mohd. Alam, Adv.
Mr. M. Zeeshan Ansari, Adv.
Mr. L. Siddiqui, Adv.

Mr. Soumya Chakraborty, Sr. Adv.
Ms. Riddhi Bose, Adv.
for Mr. Danish Zubair Khan, AOR

For Respondent(s) Mr. Ranjit Kumar, SG
Mr. S. Wasim A. Qadri, Adv.
Ms. Binu Tamta, Adv.
for Mr. Gurmeet Singh Makker, AOR

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

The writ petitions stand disposed of in terms of the
signed order.

(Renuka Sadana)
Assistant Registrar

(Parveen Kumar)
AR-cum-PS

[signed order is placed on the file]