

Law Assignment Help: Indian Law

Introduction of the issue

Amar Nath Sehgal v. Union of India is an Indian case which was decided by the high Court of India and became a landmark because for the first time a court upheld an author's right and awarded him the damages under the Indian Copyright Act. The government was asked to return his mural as well. Amar Nath Sehgal is a famous artist who has created a mural in the Vigyan Bhavan Lobby in Delhi. The world was back then divided into two camps and India was a nascent democracy then. A building was then built and made the hub of national and international conferences and was named as Vigyan Bhawan. The government decided to encourage the Indian artists to function and so many sculptors, designers and painters were asked to build different arts. Amar Nath Sehgal received an invitation from the government for building a bronze mural up to 140ft which would be a delicate balance of culture and material aspects and should represent the science of rural as well as modern India as a theme (Nandrajog, 2005). It was then pulled down in 1957 which hurt the sentiments of the artists and he filed a case for that.

Background

The mural was placed on the wall of the Convention hall. It was a bronze mural which became an important part of the Indian heritage. In the year 1979, the mural was pulled down and moved to the store room without giving any information or taking any permission from Mr Sehgal. When he came to know that his mural was removed, he felt disrespected and made representations to the government authority for restoring it back but all his requests

went in vain. The mural was handled improperly during the movement which caused damage to the sculpture. He then filed a petition under the section 57 of Copyright Act in the High Court in the year 1957 asking for an apology from the people who handled it and a permanent injunction on then by restraining them from mutilation, damaging or distorting the mural and also asked for Rs. 50 Lacs for the damages caused. According to him, the mural was a national treasure which represented Indian heritage and art and his motivating force Pt. Jawaharlal Nehru was no longer alive (Copyright, (n.d.)). He got empathy from minor functionary in the government. He ran to every pillar and post but nothing happened and finally then he knocked the doors of the court.

Laws

The Copy Right Act, 1957 was the law under which Amar Nath Sehgal filed his petition in the court. This law governs the copyright subject in India which became applicable from 21st January in the year 1958, the history of which can be traced back to the British Colonial days in India. The law was amended six time until 1957 and the most recent amendment was made in the year 2012. Copyright is a bunch of rights which was given to the creators of music, art, drama works by the law. The rights include the reproduction of work right, public communication of the work and the translation and adaptation of the work. The scope and the protection duration differ for different work under the law. The art work like that of Mr. Amar Nath Sehgal had the provision of protection for lifetime of the designer who made it plus six years from the starting of the calendar year and next following the death year of the designer. The author of the work is considered as the first owner of the copyright and the joint owner concept was available for work made in collaboration. The law also included destruction of an author's work as extreme mutilation which reduced the author's reputation and if it was a national treasure, he had the right to protect its integrity in relation to India's cultural heritage.

Judgement and Observation by the Court

Mural rights were termed as the soul of the author's work by the court (Rastogi, 2015). The author has full rights to protect, preserve and nurture his designs or creations through his moral rights. Moral rights from the art and literary work were elucidated by the court which included right to identification, attribution and dissemination. Right to maintain work purity and withdraw it forms the work publication. The decision was taken by Justice Jaspal Singh, which was in the favour of Mr Sehgal and restricted the government of India from causing any further damage to the property of Mr Amar Nath Sehgal. The 1992, interim ruling established two central points through their decision. First the Indian moral right of integrity can protect an artistic work from destruction and the government has a duty towards caring for the artwork and possessions. This decision gave rise to the Copyright act amendments in the year 1994. Many questions were raised upon the law application to the case because of the pre and post amendment copyright act and he could have decided both the ways as there were arguments from both sides. The revised section had a provision that failure of display of work as per the author's wish would not be considered as the violation of the moral rights and the government won't be liable for the same. Justice Nandraj however sidestepped all this and argued that the law had higher objective of protecting the cultural heritage of the country and it does not matter what law is applied.

Conclusion

The case is a classic example of the copyright act in ancient times. The dedication of the author towards his work and the fair decision taken by the court at the end by protecting his sentiments and integrity by returning the mural to him and paying for the losses sets an example. The law of copyright has been under speculation for long and changes are made from time to time (Kalra, 2007). The government also granted the declaration that the author

could recreate the mural at any place and can sell it too. The case proves the democracy of the country and shows how the rights are protected in our country.

References

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