

## Landmark Judgement

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**Case Study: Amar Nath Sehgal v. Union of India (2005) |  
Artists Moral Rights**



The importance of Indian law with relation to copyright and artistic rights is highlighted in the

**"Case Analysis: Amar Nath Sehgal v. Union of India (2005)."** The case brought to light the significance of an artist's moral rights, particularly the right to the integrity of their creations and the right to be free from alteration, mutilation, or distortion.

**Case Title:** Amarnath Sehgal v. Union of India

**Court:** Delhi High Court

**Citation:** 2005 (30) PTC 253 Del

**Judge:** Justice P. Nandrajog

**Date of Judgment:** 21st February 2005

## Facts

One of India's most well-known artists in the 1960s, Mr. Amar Nath Sehgal, produced a lovely mural sculpture for the interior design of **Delhi's Vigyan Bhawan**. Before giving this artwork to the government as an ornamental decorative piece, Mr. Sehgal put a lot of time and effort into it; it undoubtedly made him one of America's treasures. In 1979, the Indian government purchased this renowned sculpture from Amar Nath Sehgal and took it out of the public eye to preserve it securely in one of their depots. However, the monument sustained significant damage during storage and transportation, and certain components—such as the author's signature—were lost.

In order to further contest the government's actions, the plaintiff then went to the Delhi High Court. The government was instructed by court authorities to cease any further intervention with artworks that would interfere with them, but this was insufficient because authorities had not responded. Sehgal asked for an injunction under Section 57 of India's copyright Act, often known as the moral right, to stop the state from interfering with his art or attempting to breach his rights as an author.

## Problem

Do artists have moral control over how their creations are exhibited once they are sold?

## Arguments

Mr. Sehgal's argument: The plaintiff filed a lawsuit claiming that government officials had violated his moral rights after years of futile campaigning to obtain his artistic production and failing to secure consent for its destruction. "Defaced him as an artist by devaluing and

diminishing it thereby wiping off my artistic signature from my wall" was how he described their choice.

Government's defense: On October 31, 1960, the plaintiff signed a contract transferring his copyrights to the government, which subsequently bought them all back. A portion of the mural was destroyed by a fire at Vigyan Bhawan in the 1960s; in accordance with the provisions of the agreement signed by both parties, these problems should have been presented before an arbitrator chosen by the defendant.

## **Evaluation**

Every matter at hand was thoroughly considered by the court. Regarding its first query, they cited a letter dated June 6, 1921, from the Ministry of Urban Development stating that they were prepared to rebuild the mural and requested that **Mr. Amarnath Sehgal "report back."** The letter's statute of limitations started on the date of receipt, according to Justice Pradeep Nandrajog's subsequent conclusion that the letter's contents had been confirmed. To answer another query about the plaintiff's ability to claim property rights over work that has been approved as their own and made public.

While maintaining the integrity of the work, the author is free to sign off on it themselves and to revoke authorization if necessary. Based on this, the court determined that all but this title were the claimant's moral rights and thus qualified for copyright protection. Additionally, any breach of the author's integrity becomes a threat to the development of the nation's culture.

Finally, the Court examined whether India had violated any of the inventors' moral rights. When a piece of art is purposefully harmed in a way that negatively affects the artist, it is referred to as mutilation. This causes audiences and countries to view the creator poorly. Communication between Mr. Sehgal and India shown both acknowledging Sehgal's rights with his work while looking into national and international regulations that safeguard these moral rights of authors and artists, even though displaying merely a portion of Sehgal's work may result in this consequence.

Justice Pradeep Nandrajog acknowledged Sehgal's ownership rights over Mural based on the evidence presented during the trial. The court's position is that degrading artwork includes acts like erasing, damaging, or misusing it; widely held beliefs maintain that this defacement can harm an author's reputation because it renders their piece useless. Sections of the artist's mural were sent to Amarnath for preservation and possible future trade, and the artist was compensated with Rs 5 lakh.

## **Examination of Rights**

### **Global norms:**

Around the world, literary and creative works are protected under the Berne Convention,

which was first ratified in 1886. Article 6 creates globally applicable standards to protect the moral rights of writers and artists.

In order to preserve the integrity and caliber of their works, this attempts to protect writers and artists. By granting an author's right of recognition, attributing cultural works to their rightful owners helps to safeguard them. As stated in Article 6, authors and artists have the right to forbid any alteration, distortion, or vandalism of their works that could jeopardize their integrity or reputation, highlighting the importance of cultural preservation. This privilege highlights how important it is.

### **Indian Requirements:**

The Berne Convention, a historic and culturally significant convention, was ratified by India. India continues to take the lead in promoting copyright rules in developing countries while advocating on their behalf abroad. The essential principles of the Berne agreement are upheld by India's copyright laws, which also incorporate some distinctively Indian elements. India is well known for having one of the best copyright laws in the world, the Copyright Act, when it comes to pertinent and efficient copyright enforcement. In accordance with Article 6 of the Berne Convention, authors' and artists' moral rights are protected by **Section 57 of the Indian Copyright Act, 1957.**

This clause gives authors and artists the authority to file lawsuits against anyone who violate their integrity. Since beneficiaries of moral rights claims beyond the author may emerge after the creator's death, moral rights should remain legally protected in India for the duration of the copyright holder's lifetime.

### **Judgment's Effect**

The government believed their transaction was complete after the settlement was reached and the agreed-upon amount for the mural's purchase was paid. They also believed they had complete control over the mural's display, including the ability to take it down from public display at any time. However, the Court disagreed with the government's view and emphasized how harm done to an artwork, regardless of who owns it, has an indirect negative effect on an artist's reputation in his society.

The Court's decision upholds that a work of art's author's moral rights are inextricably tied to it and cannot be separated from it, regardless of any financial transactions pertaining to it. This ruling emphasizes moral rights as inalienable rights for artists and the difficulty of depriving an author of them; changes to works also constitute violations of these rights. It is often acknowledged that the moral rights of artists are violated when artwork is altered.

Such data supports India's legislation protecting the integrity rights of authors and artists against total subjugation and disrespect. In order to protect cultural heritage and art, Section

57 (1) was created with the express purpose of upholding the integrity rights of authors and artists. This guarantees complete disregard for works that are criticized by artists themselves and do not alter their character.

### **conclusion**

The steps taken by the Indian government in the wake of the Sehgal case not only show that ethical consciousness is growing in India, but they also show how the Indian judiciary has started actively influencing the development of laws that enforce moral behavior in society. In the end, judicial activity should be assessed according to how it affects society, for as by allowing or prohibiting government meddling in cultural affairs. However, India's government is not always able to maintain an unbiased approach to intellectual property creation because of their limited responsibilities in creating intellectual property items that belong to both public and private firms. The development of the cultural sector, public education and literacy in underdeveloped countries, and interpretations of literary or creative works could all be jeopardized by irrational proponents of moral rights who will stop at nothing to defend them. With extraordinary remedies like authorial resistance being granted in terms of copyright rights enforcement for authors' copyrighted works that were previously thought to be unfeasible, the case at hand established a historic precedent that enhanced our comprehension and interpretation of moral rights while simultaneously reaffirming residual author rights as essential principles to uphold going forward. In addition to establishing rules for their future interpretation and use, this declaration upheld the residual rights of authors and artists.