

(1992) 05 DEL CK 0037

In the Delhi High Court

Case No : I.A. No. 8647 of 1992, Suit No. 2074 of 1992

Amar Nath Sehgal

APPELLANT

Vs

Union of India and others

RESPONDENT

Date of Decision : 29-05-1992

Acts Referred:

Citation : (1992) 05 DEL CK 0037

Hon'ble Judges : Jaspal Singh, J

Bench : Single Bench

Advocate : Sh. Pravin Anand, for the Appellant;

Judgement

Jaspal Singh, J.—Sometime in the year 1962 the barren walls of Vigyan Bhawan were blessed with a mural 140 feet in length and 40 feet in height; it was made of bronze and had taken years to complete. Soon enough it became an essential part of India's best art heritage. And, why not ? After all it had been created by the magic hands of eminent sculptor Amar Nath Sehgal, approved by connoisseurs of all that is beautiful like Dr. Mulk Raj Anand and M. S. Randhawa and liked by the poetic eyes of Jawahar Lal Nehru. For years, it was dance to discerning eye and song to the ears who could hear. However in the year 1979 or so, it was pulled down, removed and dumped in a store house. It is said that improper handling caused immense damage and that bits and pieces have altogether disappeared including the name of its creator. Not that all were cruel. On April 22, 1990 a kindly unnamed Joint Secretary, Ministry of Human Resources Development is reported to have observed :

"Although it is possible to advise Shri Amar Nath Sehgal to go to court, do feel that when the Government had commissioned an important work from a well known artist, it would be appropriate for the Government to to deal with the artist's work fairly."

2. But then, dead eyes and deaf ears do not respond. They did not respond even to a legal notice. Hence this suit for damages and injunction restraining any

distortion, mutilation or modification of the work. The plaintiff, of course, is Amar Nath Sehgal. However, it is his application under Order 39 of the Code which needs immediate attention he seeks an ex parte interim order restraining the defendants from causing further loss and injury to the mural.

3. In a country rightly proud of its creativity and ingenuity, men who can hardly distinguish the heads of Venus from those of Mars cannot be allowed to decide the fate of artists who create our history and heritage. The cry is "Its is passers on pass and in such a situation Indian courts will always be found dynamic and responsive, Section 57 of the Copyright Act provides the light.

4. Let notice be issued to the defendants for July 22, 1992. Till then the are restrained from causing any further loss and injury to the plaintiff's mural an from doing anything that is prejudicial to his honour or reputation as the author of the work.