



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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CASE COMMENTARY

AMAR NATH SEHGAL V. UNION OF INDIA & ANR.

-Nishnat Eshanya

Introduction

The case of Amar Nath Sehgal v. Union of India, decided by the Delhi High Court on the 21st February, 2005, is one of the most significant Indian judgments addressing the moral rights of artists. It goes beyond technical copyright ownership and focuses on the dignity, reputation, and personal connection an artist has with their creation. The Delhi High Court, in this case, clearly recognized that an artistic work is not merely property but also an expression of the creator's identity. The judgment provided meaningful content to Section 57 of the Copyright Act, 1957 and strengthened the protection available to authors against misuse or destruction of their work.

Facts of the Case

- i. Amar Nath Sehgal, a renowned Indian sculptor, was commissioned by the Government of India to create a large bronze mural for Vigyan Bhawan, New Delhi.
- ii. The mural was installed in the year 1962 and was displayed in a prominent public space within Vigyan Bhawan for several years.
- iii. In 1979, during renovation work at Vigyan Bhawan, the government authorities removed the mural without informing or consulting the artist.
- iv. The artwork was dismantled and stored in a government storeroom under improper conditions.

- v. Due to negligent handling and lack of preservation, the mural suffered substantial damage and deterioration.
- vi. The plaintiff became aware of the removal and condition of the mural only at a later stage.
- vii. Aggrieved by the destruction and mistreatment of his artwork, Amar Nath Sehgal approached the Delhi High Court.
- viii. He alleged that the actions of the Government amounted to destruction and mutilation of his work.
- ix. The plaintiff contended that such acts violated his moral rights, particularly his right to integrity and reputation under Section 57 of the Copyright Act, 1957.

Issues Raised

1. Whether the removal and negligent storage of the mural amounted to mutilation or destruction under Section 57 of the Copyright Act.
2. Whether an artist retains moral rights over a work even after transferring ownership of the physical artwork.
3. Whether the Union of India could be held responsible for violating the moral rights of the artists.

Arguments by the Parties

The plaintiff argued that the mural represented his creative expression and personal reputation. According to him, the removal and damage to the mural amounted to destruction of the work and harmed his honour as an artist. He emphasized that moral rights exist independently of ownership and continue to remain with the author even after the work is handed over to another person or authority.

The Union of India, on the other hand, claimed that it was the lawful owner of the mural since it had commissioned and paid for it. The government argued that the removal was done for administrative reasons during renovation and that there was no intention to harm the artist's reputation. It denied any violation of moral rights.

Judgment

The Delhi High Court decided in favour of Amar Nath Sehgal. The Court held that the actions of the government clearly violated the artist's moral rights under Section 57 of the Copyright Act. It was observed that the careless dismantling and storage of the mural had resulted in its destruction and caused harm to the plaintiff's dignity and reputation. The Court directed that the mural be returned to the artist and awarded damages as compensation.

Ratio Decidendi

The Court held that moral rights are distinct from economic rights and continue to exist even after ownership of the artwork has been transferred. Any act that leads to destruction, mutilation, or distortion of an artistic work in a manner that prejudices the author's honour or reputation amounts to a violation of Section 57 of the Copyright Act.

Analysis and Critical Evaluation

This judgment is significant because it treats moral rights as a matter of personal dignity rather than mere statutory formality. The Court clearly rejected the idea that ownership gives unlimited control over an artwork. Instead, it emphasized that ownership carries a responsibility to preserve the work with due care.

One of the most important aspects of the judgment is the Court's observation that destruction itself can amount to mutilation. This interpretation widened the scope of moral rights protection in India. The Court also aligned Indian copyright law with international principles that recognises the personal bond between an artist and their art.

However, it can be argued that the judgment places a higher duty on public authorities, which may sometimes restrict administrative freedom. Despite this, the Court's reasoning is justified, as it protects cultural heritage and respects the creative labour of artists.

Impact and Significance

The decision in *Amar Nath Sehgal v. Union of India* became a landmark precedent on moral rights in India. It clarified that the State is not exempt from respecting an artist's rights and

must act as a responsible custodian of cultural works. The judgment has played a crucial role in strengthening the position of artists and authors against misuse or neglect of their creations.

Conclusion

The case of *Amar Nath Sehgal v. Union of India* marked an important development in Indian copyright jurisprudence by recognizing that artistic works are deeply connected to the creator's identity and reputation. By affirming that moral rights exist independently of ownership, the Delhi High Court departed from a purely property-based approach and acknowledged the personal and dignitarian interests of artists. This interpretation gave real meaning to Section 57 of the Copyright Act and ensured that creative works are protected from arbitrary destruction or neglect, even at the hands of the State.

While the judgment did not radically alter the legal framework, it represented a crucial incremental step in strengthening the position of artists in India. It provided creators with a legal safeguard against the misuse of their work and placed a responsibility on institutions to act as careful custodians of cultural and artistic heritage. The principles laid down in this case continue to remain relevant, reinforcing the idea that creative expression deserves respect beyond its commercial or utilitarian value.