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## Protecting Creative Expression: Copyright Law And The Rights Of Artists And Writers In India

*-Nishnat Eshanya*

### I. Introduction

Human expression, culture, and advancement have always depended heavily on creativity. In addition to enriching culture, artists, writers, musicians, and other creative professionals also advance social discourse and the economy. Creative works are no longer limited to physical locations in today's knowledge-driven society; instead, they spread quickly via digital platforms, social media, and online marketplaces. In such an environment, protecting creative expression becomes essential. This is where copyright law assumes critical importance.

By giving authors certain exclusive rights over their creations, copyright, a subset of intellectual property law, protects original creative works. The Copyright Act, 1957, which governs copyright protection in India, aims to achieve a balance between guaranteeing public access to knowledge and culture and safeguarding the rights of creators. For writers and artists, copyright is a recognition of their creative labour, uniqueness, and authorship rather than just a legal right.

This article examines copyright as the legal backbone of artistic and literary creation in India. It explores the conceptual foundations of copyright, the scope of protection offered under Indian law, the rights conferred upon artists and writers, and the role of judicial interpretation in strengthening creator-centric protection. The article also highlights contemporary challenges faced by creators in enforcing their rights, particularly in the digital era, and suggests the way forward.

## II. Concept, Scope, and Protected Works under Copyright Law

Copyright refers to the exclusive legal right granted to the creator of an original work to control its use, reproduction, and dissemination. Under Section 13<sup>1</sup> of the Copyright Act, 1957, copyright subsists in original literary, dramatic, musical, and artistic works, as well as in cinematograph films and sound recordings. The law emphasises originality as a core requirement, meaning that the work must originate from the author and not be copied from an existing source.

A fundamental principle governing copyright law is the idea–expression dichotomy. While ideas, concepts, or themes are free for all to use, the particular expression of an idea is protected. This principle was clearly articulated by the Supreme Court in *R.G. Anand v. Deluxe Films*<sup>2</sup>, where the Court held that copyright does not protect ideas but only the manner in which those ideas are expressed. This distinction is particularly significant for writers and artists, as it allows creative inspiration while preventing direct copying.

Another important aspect of copyright law is the standard of originality. In *Eastern Book Company v. D.B. Modak*<sup>3</sup>, the Supreme Court rejected the doctrine of “sweat of the brow” and adopted a standard requiring a minimal degree of creativity. This interpretation strengthened the protection of genuinely creative works while preventing monopolisation of purely mechanical or trivial efforts.

Copyright protection in India arises automatically upon the creation of a work and does not depend on registration. Registration, however, serves as prima facie evidence of ownership in legal proceedings. The scope of protection under the Act is wide enough to include traditional art forms as well as modern digital and online creations, thereby ensuring that evolving forms of artistic and literary expression are adequately safeguarded.

## III. Copyright and Creators: Rights of Artists and Writers

The relationship between the work and its creator is central to copyright law. Writers and artists are acknowledged as authors and are typically regarded as the original owners of copyright in

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<sup>1</sup> Copyright Act, 1957, § 13, No. 14, Acts of Parliament, 1957 (India).

<sup>2</sup> *R.G. Anand v. Deluxe Films*, (1978) 4 SCC 118.

<sup>3</sup> *Eastern Book Co. v. D.B. Modak*, (2008) 1 SCC 1.

their works under Section 17 of the Copyright Act. The idea that creative labor should be compensated financially and legally is upheld by this recognition.

A variety of economic rights are granted to creators by copyright, such as the ability to replicate the work, distribute copies to the public, communicate the work to the public, and produce translations or adaptations. These rights allow authors and artists to make money off of their works while keeping control over how they are used. These rights are essential for preventing unapproved exploitation in a time when creative content can be readily shared and replicated online.

In addition to economic rights, Indian copyright law places significant emphasis on moral rights. Section 57<sup>4</sup> of the Act grants authors the right to claim authorship of their work and the right to restrain or claim damages for any distortion, mutilation, or modification of the work that would harm their honour or reputation. Moral rights are particularly important for artists and writers, as they protect the personal and reputational connection between the creator and the creation.

The importance of moral rights was powerfully affirmed in *Amar Nath Sehgal v. Union of India*<sup>5</sup>, where the Delhi High Court recognised an artist's right to preserve the integrity of his work. The Court held that destruction or mutilation of an artistic work amounts to a violation of the artist's moral rights, thereby elevating creative dignity to a legally enforceable interest. This judgment reflects a creator-centric approach and underscores the role of copyright law in protecting artistic identity.

With the rise of social media and digital platforms, artists and writers increasingly rely on copyright law to assert control over their works in online spaces. While the digital environment has expanded opportunities for visibility, it has also intensified risks of unauthorised copying and misuse, making copyright protection more relevant than ever.

#### **IV. Judicial Interpretation: Protection of Creative Expression**

Judicial interpretation has played a pivotal role in shaping copyright law in India, particularly in reinforcing protection for artists and writers. Courts have consistently attempted to balance

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<sup>4</sup> Copyright Act, 1957, § 57, No. 14, Acts of Parliament, 1957 (India).

<sup>5</sup> *Amar Nath Sehgal v. Union of India*, 2005 (30) PTC 253 (Del).

the interests of creators with those of the public, ensuring that copyright law does not stifle creativity while safeguarding original expression.

The Supreme Court's decision in *R.G. Anand v. Deluxe Films*<sup>6</sup> remains a cornerstone of Indian copyright jurisprudence. By clarifying that copyright protects expression and not ideas, the Court provided a workable standard for assessing infringement in creative works such as literature, cinema, and art.

Similarly, in *Eastern Book Company v. D.B. Modak*<sup>7</sup>, the Court refined the originality threshold, aligning Indian copyright law with international standards while maintaining sensitivity to domestic creative practices. This decision is particularly relevant for writers, editors, and publishers, as it clarifies the extent of protection available to literary works.

The recognition of moral rights in *Amar Nath Sehgal v. Union of India*<sup>8</sup> marked a significant advancement in the protection of artistic expression. The Court's emphasis on artistic integrity and dignity demonstrates a progressive understanding of the relationship between creators and their works. Collectively, these judicial pronouncements reveal a trend towards strengthening copyright protection in favour of genuine creative effort.

## **V. Contemporary Challenges and the Way Forward**

Despite the strong framework of legislation, artists and authors in the Indian subcontinent still find themselves facing challenges in protecting their copyrights. The increasing use of digital piracy, online reproduction, and improper use of social media platforms has escalated the issue of infringement. Authors and artists remain unaware of their rights and the further requirements needed to seek redress.

The online world is also complex in relation to "fair dealing," user content, and new technology categories, such as artificial intelligence. Access to creative works is desirable, yet unchecked use is detrimental to the economic and moral rights of creators.

Looking ahead, what is required is that enforcement provisions are strengthened, greater awareness is created among creative artists and writers, and that copyright laws keep pace with technological changes. Education and simplification of enforcement provisions are necessary

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<sup>6</sup> R.G. Anand v. Deluxe Films, (1978) 4 SCC 118.

<sup>7</sup> Eastern Book Co. v. D.B. Modak, (2008) 1 SCC 1.

<sup>8</sup> Amar Nath Sehgal v. Union of India, 2005 (30) PTC 253 (Del).

if it is ensured that the basic objective of copyright laws remains fulfilled, which is protecting creativity and growth.

## **VI. Conclusion**

Copyright law in India operates as the legal backbone of artistic and literary creation by formally recognising creativity as a form of intellectual labour deserving protection. For artists and writers, copyright is not confined to the grant of economic privileges; it embodies acknowledgment of authorship, preservation of creative identity, and respect for artistic integrity. By securing both economic and moral rights, the Copyright Act, 1957 affirms that creative expression holds intrinsic value beyond its commercial worth. Judicial interpretation has further strengthened this position by adopting a creator-centric approach that safeguards originality, dignity, and the personal bond between an author and their work.

In a world where technological innovation is occurring at a pace quickened by digital dissemination of content, the issues faced by artists and authors have become more complicated. Even as new opportunities have opened up through digital dissemination, new opportunities for unauthorized use, distortion, or appropriation of creative works have also increased. It is within this context that the importance of copyright law as a means of adapting to new means of creativity, be it digital art or digital literary expression, while also maintaining its accessibility, continues to be of paramount importance.

On the other hand, copyright law has to ensure a delicate equilibrium between safeguarding creative authors and serving the larger public with regard to their need for knowledge and their right to knowledge and culture. Too much guardianship could distinctly hamper the process of creation itself, while insufficient protection would undermine the motivations necessary for creative work. This harmonic, dynamic, and nuanced system of copyright is therefore critical towards maintaining a vibrant creative landscape. Ultimately, therefore, the continued relevance of the copyright system is its potential to remain dynamic in order to ensure that individuals who contribute towards knowledge and culture receive continued acknowledgment and protection.