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## CASE COMMENT: AMAR NATH SEHGAL VS. UNION OF INDIA

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### INTRODUCTION

*“An artist’s creation is not merely the art of work; it is a piece of his soul cast into form.”*

The ruling of “*Amar Nath Sehgal vs. Union of India (2005)*” stands as the milestone for the protection of artist’s moral rights under the Indian Copyright Law. It emphasised on the sanctity of moral rights and eternal bond between artist and his creation. It reflects that law not only protect the economic or material rights but also the dignity, emotions and spiritual connection of artist with his work. This case arose when a magnificent bronze mural created by renowned artisan, Amar Nath Sehgal got demolished by Government of India without the artist consent. This act was not just a physical demolition but also a deep wound to the artistic integrity and dignity. Through this historic verdict, Delhi High Court makes moral rights eternal and inseparable from the creator, this exists even beyond the ownership and contract. This judgement reaffirmed that art is divine and creator’s spirit always be preserved with honour.

### BRIEF INFORMATION OF THE CASE

- **Case:** “Amar Nath Sehgal vs. Union of India (2005)”
- **Citation:** “2005 (30) PTC 253 (Del)”
- **Court:** Delhi High Court
- **Judge:** “Justice Pradeep Nandrajog”
- **Date of Judgement:** 21<sup>st</sup> February 2005
- **Petitioner:** Amar Nath Sehgal
- **Respondent:** Government of India

## **FACTS OF THE CASE**

In 1957, the Government of India commissioned the renowned sculptor **Mr. Amar Nath Sehgal** to create bronze mural at Vigyan Bhawan, New Delhi symbolising India's cultural richness and great progress in Science. Sehgal dedicated a long year of hardwork and passion to make his art into masterpiece which stretched into approximate 140 ft. in length and 40 ft. in height. The mural soon becomes the national treasure and it started getting admired for its craftsmanship and emotional depth.

However, in 1979, during renovation of Vigyan Bhawan, the government of India dismantled the mural without the consent of Sehgal and stored it carelessly which causes the huge damage to it. When Sehgal came to know about the incident, he got deeply wounded by such act as this was not just a physical dismantle but also hurt the sentiments, dignity and integrity of Mr. Sehgal. Therefore, he approached the Hon'ble Delhi High Court filing the case against Union of India for violation of Section 57 of Indian Copyright Act 1957 and seeking justice, restoration and recognition of the dignity of his artistic creation.

## **ISSUES RAISED IN THE CASE**

- **Issue – 1:** Whether there is a limitation that puts a bar on suit?
- **Issue – 2:** Whether the plaintiff possesses moral rights even though copyright is transferred to defendant?
- **Issue – 3:** Whether the plaintiff's moral rights have been violated by the defendant under Section 57 of Copyright Act?
- **Issue – 4:** Whether any damage has been suffered by the Plaintiff?
- **Issue – 5:** What will be the relief granted to the favouring party by the court?

## **PLAINTIFF'S ARGUMENTS (AMAR NATH SEHGAL)**

- Sehgal asserted that while the government owned the early mural once it was purchased, his moral rights as the creator continued even if it was owned by the government, remained independent, and existed for life. He asserted that when the

government improperly removed, mutilated, and stored the mural in 1979, it violated his moral right of integrity, which protects the artist's honour and reputation.

- His lawyer, Mr. Praveen Anand, contended that destruction represents the “most extreme form of mutilation”. Regardless of whether a piece of work is destroyed or not displayed publically, it still subtracts from the artist’s creative corpus and negatively impacts their reputation. Thus, Section 57 is applicable.
- Sehgal stated that the mural had become a national treasure i.e. a part of India’s cultural heritage and is created to decorate Vigyan Bhawan, the international conference center for the nation. Thus, in destroying the mural, the government not only insulted him, but also insulted India’s cultural and artistic legacy.
- Sehgal contended that moral rights persist during the lifetime of the author and are not subject to lapse based on time. In addition, since he was dealing with government officials up until 1991 (who even recognized his grievance), it was submitted that he would be considered to still be taking action and be within the limitation period.
- He demanded from the Hon’ble Court:
  - A **mandatory injunction** for the mural fragments
  - **Damages** of Rs. 50 Lakhs for mental agony, loss of reputation and insult to his artistic dignity and integrity.
  - **Public Apology** from Union of India
  - **Declaration** from Government that he retained the right to recreate or display the mural elsewhere.

#### **DEFENDANT’S ARGUMENTS (UNION OF INDIA)**

- The government argued that it had commissioned and paid for the mural, which means that the government was the lawful owner of both physical object and copyright and being a lawful owner it had complete rights to store or remove the mural as it sees fit.
- They contended that there was no intention to harm the Sehgal’s reputation that existed.

Instead, the mural was removed because of renovation, not because of malice. Therefore, the defendants claimed that there was no prejudice to his honour or reputation, which Section 57 required for violation.

- The government also contended that as the mural was removed in 1979 and suit was filed in 1992; it was barred by the 3 – years limitation period as prescribed in Indian Law.
- The Government also mentioned that the mural was their property and part of a public building and it could not be simply handed back or restored without state authorisation.

### **JUDGEMENT/ ANALYSIS OF THE COURT (ISSUE WISE)**

- **Issue – 1: Whether there is a limitation that puts a bar on suit?**

The court in this issue held that suit was not barred by limitation. It observed that government had continued correspondence with plaintiff until 1991, indicating willingness to reinstall the mural. Therefore, it was continuing cause of action and arose till 1991. Hence, the limitation period does not begin in 1979 and the suit is not barred by the limitation.

- **Issue – 2: Whether the plaintiff possesses moral rights even though copyright is transferred to defendant?**

The Court clarified that moral rights are distinct from the economic rights. In case of Moral rights, the author retains few rights even after the transfer or assignment of copyright. These include right claiming authorship and to prevent their work from destroying, mutilate or destruct that harm their reputation. Therefore, the plaintiff in this case retains the moral rights under Section 57 of Indian Copyright Act 1957 despite the copyright is vested with the Government.

- **Issue – 3: Whether the plaintiff's moral rights have been violated by the defendant under Section 57 of Copyright Act?**

The Court held that government act of dismantling and storing the mural amounts to destruction which is considered as “ultimate form of mutilation”. Such destruction and

prejudiced the artist's honour and reputation. The court further emphasised that mural had become a part of India's modern cultural heritage and damaging it also harmed the cultural integrity of the nation. Therefore, the court held the government's act violative of Section 57 of The Indian Copyright Act 1957.

- **Issue – 4: Whether any damage has been suffered by the Plaintiff?**

The court found that the plaintiff has suffered mental agony, loss of reputation and emotional injury due to careless destruction of his artistic creation. The damaged was not limited to physical or financial harm but extended as harm to his dignity and reputation.

- **Issue – 5: What will be the relief granted to the favouring party by the court?**

Following relief has been granted to the Plaintiff by the court:

- Mandatory injunction directed to the government to return all the remnants of mural to the plaintiff within two weeks.
- Declare that all rights of the mural will be vested over with the Plaintiff and government has no claim on it.
- The plaintiff was granted the right to recreate and sell the mural anywhere in the world.
- The plaintiff was awarded Rs. 5,00,000 as damages, with 9% interest if unpaid within a month and the costs were awarded in favour of the plaintiff.

## CONCLUSION

In the landmark judgement of “Amar Nath Sehgal v. Union of India (2005)”, the Delhi High Court took an important step towards honoring the inner moral rights of artists as part of Indian copyright law. The High Court acknowledged the artist's unique relationship with his work: ownership of a physical piece is only part of it, it denotes an artist's honour, artistic reputation, and the spirit of creativity. The High Court noted that destruction of a work is the greatest mutilation, and highlighted that artistic creations are not simply private property, but part of

the nation's cultural heritage. The case established very clearly that copyright can be assigned, but moral and spiritual rights of the artist are absolute.

## REFERENCES

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