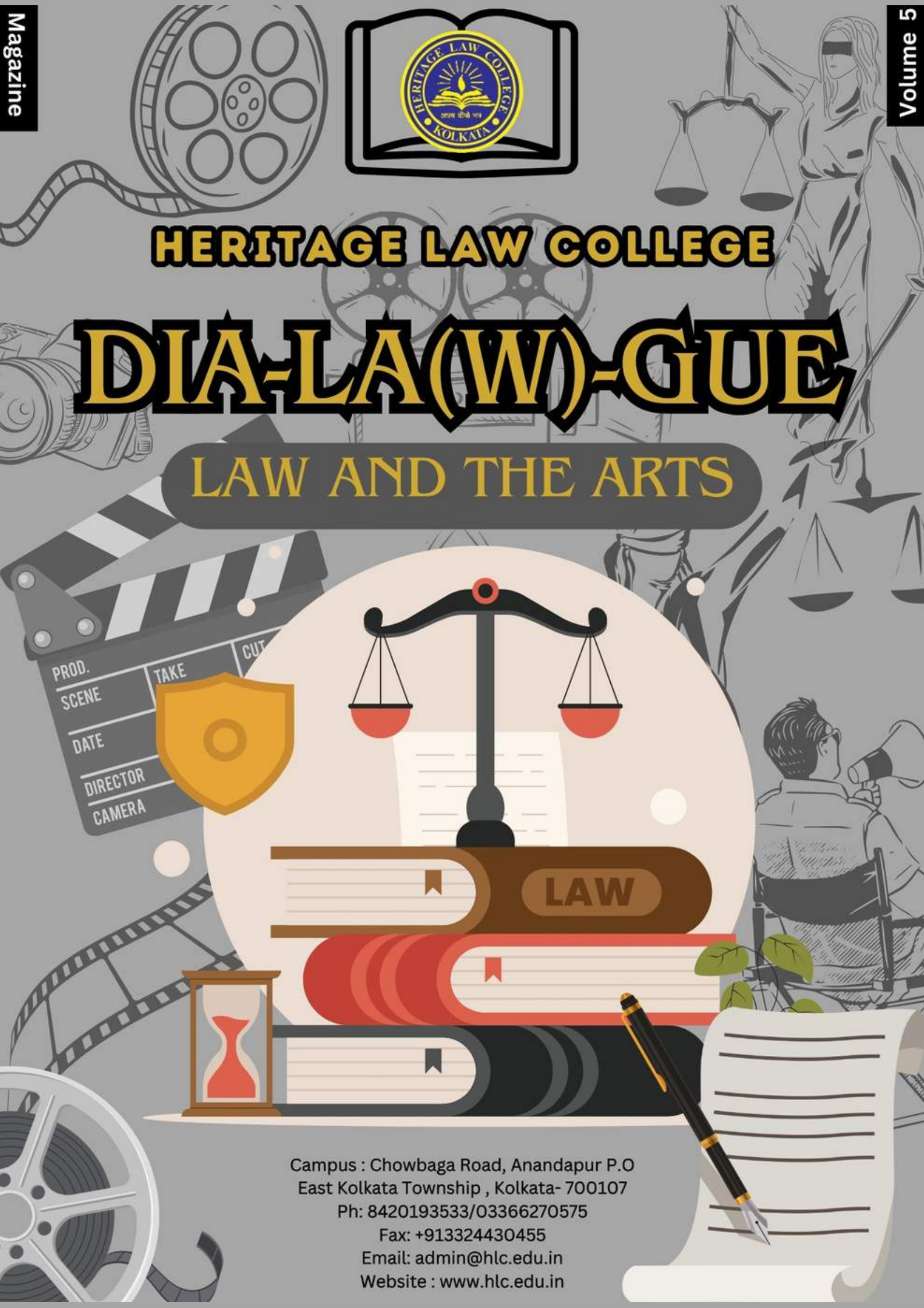




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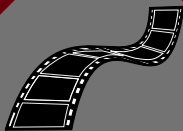
DIA-LA(W)-GUE

LAW AND THE ARTS



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FROM THE EDITOR'S DESK

HELLO EVERYONE!

WE ARE HERE ONCE AGAIN WITH A FRESH EDITION OF OUR E MAGAZINE DIA-LAW-GUE ON THE THEME LAW AND THE ARTS CONTAINING AN ARRAY OF ARTICLES AND ARTWORK CREATED WITH A LOT OF FINESSE BY THE STUDENTS OF HERITAGE LAW COLLEGE.

IT WAS WITH A LOT OF TREPIDATION AND AFTER NUMEROUS BRAINSTORMING SESSIONS THAT THE EDITORIAL BOARD DECIDED ON THE APPARENTLY DIVERGENT THEME OF LAW AND THE ARTS. BUT AS THE WORK GAINED MOMENTUM AND THE ARTICLES KEPT POURING IN, WE WERE ALL AMAZED TO DISCOVER THE OBVIOUS INTERSECTIONS THAT WERE ALWAYS PRESENT AND ONLY WAITING TO BE EXPLORED BY THE CREATIVE MINDS. ULTIMATELY IT BECAME A STORY OF MANAGING MERGERS AND MAKING BONDS WHERE THERE WERE NONE AND FINALLY GAPE AT EACH OTHER WITH WONDER AND AWE TO ARRIVE AT THE ESSENTIAL UNITY THAT UNDERLIES LIFE ITSELF.

THIS EDITION IS DEFINITELY ENRICHED TO CONTAIN A BRIEF INTERVIEW WITH THE RENOWNED FILM DIRECTOR SRI ASHOKE VISHWANATHAN AND A LITERARY CONTRIBUTION FROM THE GLOBALLY ACCLAIMED ART LAWYER SRI DEBOTTAM T.BOSE. WE ARE INDEED HONORED TO HAVE FORGED THESE NEW ASSOCIATIONS AND LOOK FORWARD TO MORE FRUITFUL INTERACTIONS IN THE DAYS TO COME.

FINALLY, ONCE AGAIN, NOTHING WOULD HAVE BEEN POSSIBLE WITHOUT THE CREATIVE GENIUS OF THE MEMBERS OF THE EDITORIAL BOARD WHO HAVE BURNT THE MIDNIGHT OIL AND WORKED AS ONE TO PROVIDE THE FINAL TOUCHES WITHOUT WHICH THE WORK WOULD NOT HAVE ATTAINED ITS PRESENT BRILLIANCE.

AS WE COMPLETE YET ANOTHER YEAR, LET US RESOLVE TO CHERISH THE BONDS THAT WE ALREADY HAVE, ASPIRE TOWARDS FRESH ONES AND REMEMBER THAT ULTIMATELY THE QUEST TOWARDS CONCORD IS WHAT KEEPS US MOVING FORWARD.

HAPPY READING, FRIENDS!

CHEERS TO 2024 !!!!





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THE INTERSECTION OF LAW AND ARTS: A COMPREHENSIVE EXPLORATION:-



DEBABRATI ROY CHOWDHURY

The convergence of law and arts represents a dynamic and multifaceted relationship that extends beyond the traditional boundaries of these distinct disciplines. This article aims to provide an in-depth examination of the intricate interplay between law and the arts, highlighting the ways in which legal principles intersect and impact various artistic expressions.

Protecting Creativity: Intellectual Property Law :-

One of the primary intersections between law and the arts lies in the realm of intellectual property. Intellectual property law encompasses copyright, trademark and patent laws, offering creators a legal framework to protect their artistic expressions.

Copyright, in particular, serves as a crucial tool for safeguarding the rights of writers, musicians, visual artists and other creators in various fields. It delves into the intricacies of intellectual property law, exploring the balance between the rights of the artists and the public interest.

Artistic Freedom and First Amendment Rights :-

The First Amendment of the United States Constitution guarantees freedom of speech and expression, laying the foundation for the protection of artistic freedom. This section explores the legal precedents and challenges surrounding artistic expression and discusses notable cases that have shaped the boundaries of free speech in the context of the arts.



Additionally, it examines how artists navigate the societal standards by establishing a delicate balance between pushing societal norms and confronting legal restrictions.

Cultural Heritage and International Law :-

Art is not confined to individual expression; it often serves as a reflection of cultural heritage.

This section examines the intersection of law and arts in the context of cultural preservation.

International law plays a crucial role in addressing issues of cultural appropriation, the illegal trade of cultural artifacts and the protection of cultural property during times of conflict.

Arts in Legal Practice: Visual Advocacy and Courtroom Art :-

Beyond the realms of legislation, the arts find a unique application in the legal field itself. Courtroom artists and visual advocates contribute to the legal process by visually representing legal proceedings. This arena explores the role of art in the courtroom, discussing its impact on public perception, the challenges

faced by courtroom artists, and the ethical considerations surrounding visual representation in the legal system.

Art Law: Navigating the Business of Creativity :-

Art law, a specialized branch of legal practice, addresses the unique legal challenges faced by artists, galleries and collectors. This aids in delving into the legal frameworks governing art transactions, resolution of disputes in the art world and evolving the landscape of digital art and blockchain technology.

The intricate relationship between law and arts is a testament to the interconnectedness of human expression and societal governance. As legal and artistic landscapes continue to evolve, the intersection of these disciplines will undoubtedly shape the way we understand and navigate the complexities of creativity, freedom of expression, and cultural preservation in the 21st century.

TRADE SECRETS IN THE ART OF INTELLECTUAL PROPERTY RIGHTS



CHANDRANI SARKAR

Intellectual property rights refers to the rights of the artists over their own creations.

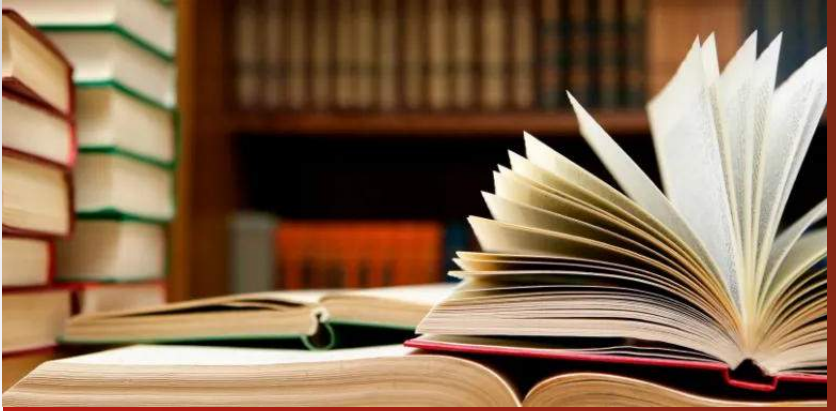
Such creations are protected legally through patents, copyrights, trademarks and trade secrets. These rights sometimes even act as a source of monetary benefit to the creators.

Patents are often described as government granted monopoly to build, sell and use one invention for a fixed number of years. The benefit of holding such patents and copyrights protects the original works, methods, concepts and discoveries of the creators. While trademark provides an identification of work in terms of symbols, phrases and designs, these rights cater an environment of creativity and innovation.

With respect to the different components of Intellectual Properties, trade secrets plays a pivotal role and acts as a foundation of the creators rights.

Trade secrets are rights on confidential information which may be sold or licensed. Any information which is commercially valuable and is known only to a limited group of persons is reserved to as trade secrets. In general confidential business information with respect to technical , commercial , financial, formulas etc., the information which has the ability of providing a competitive edge is defined as Trade secret. Breach of a trade secret depends on case to case basis and are usually seen in breach of contracts , industrial or commercial espionage and breaches of confidence. Principally a trade secret owner cannot stop others from using the same methodology since it has been acquired or developed through their own research and marketing team.

Therefore, it is need of the hour to form measures for the protection of



trade secrets against theft or misappropriation through the following ways :

- **Non-disclosure agreements (NDA) between employees and business partners.**
- **Non-compete agreements to prevent the present employees to engage in competition when their service agreements ends.**
- **Robust IT security infrastructure.**
- **Controlling the accessibility of important documents. With the evolving business landscapes Trade secrets stand out as a dynamic force with other components of Intellectual Property rights in leveraging long term competitiveness, innovation and establishing an independent ground of expression in the commercial field.**

THE ARTISTRY IN LAW



ANKITA DUTTA

When the relation of Law and Arts is interwind, Law can be presented as a multifaceted context for artistic engagement. During the Roman times, Law was defined as “ars boni et aequi” meaning the art of the good and equal. During Renaissance, it was defined as “Vera philosophia” [the true philosophy] which was considered as the queen of arts.

The systematic acquisition of legal knowledge would be arduous without the exegesis of the writings of the jurists, commentaries and interpretation of the legal texts. When an argument is presented before the court, the judge tries to evaluate its strengths

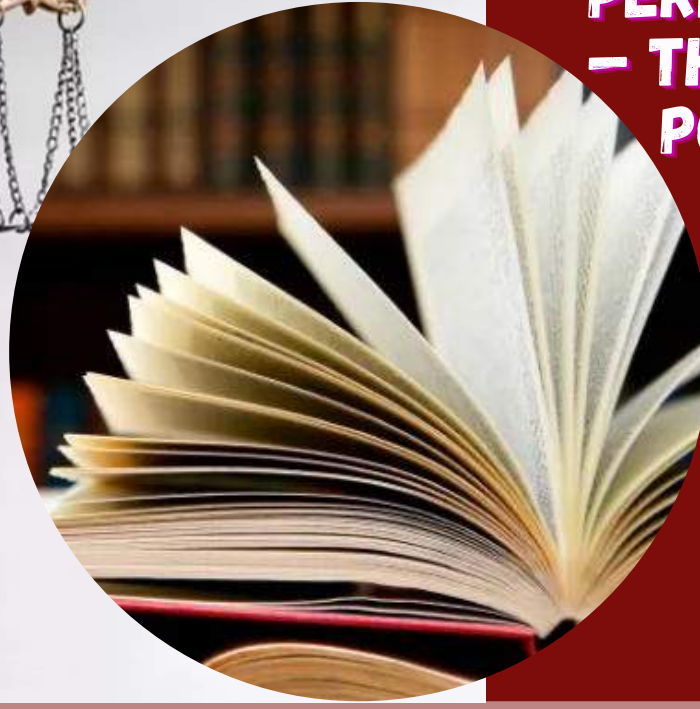
and weaknesses by applying reason and rationality. In deciding a case, a judge narrates the judgement by taking into account the sources of law. Legal precedents, which are of paramount importance, are also observed empirically when a trial takes place.

As an artist shows his dexterity towards “paintings”, similarly a draftsman should secure the skill of “good drafting”. In various instances, a lawyer has been equated with an artist as they have the ability to present and defend themselves before the Court of Justice through their adeptness and argumentation.

Since law caters to the needs and demands of the society, the legislators become the cynosure of the society.



The legal profession gives credence to the maxim “*verba volant, scripta manent*”, which means “spoken words fly away, written words remain.” The various aspects of legal writing basically includes analysis of facts, presentation of arguments, briefs, memorandum and drafting of contracts and wills which are indispensable to show the dexterity of the lawyers and portray their artistry of law in the legal field.



THE WORLD OF PERFORMING ARTS – THE PERILS AND POSSIBILITIES

ARIJIT KUNDU

Performing art includes dance, theatre and music which are presented live before the audience. In India, the religious rituals practiced by the Vedic peoples in the second millennium BC are the origin of folk theatre and dramatics. The notable works of ancient Indian writer Bharata Muni includes the theoretical treatise of Natya Shastra of Bharata, which acts as a guide to the Indian performing arts of dance, acting, theatre, and music. The ancient epics, Ramayana and Mahabharata has inspired early Indian dramatists in the field of performing arts and even serve as an essential guide today. Indian playwrights, including Bhāsa in the 2nd century BC, drew significant inspiration from them. rena of artistic creativity.

Performing artists have a rich heritage. With changing times, their practices have evolved significantly. This article will focus on the position of performing artists in the contemporary world. Legal issues in the artistic field continue to be a minefield that most performing artists are reluctant to explore. It might be challenging to understand the complexities involved in drafting work contracts, requesting assistance in cases of sexual harassment or seeking support for copyright violations. The majority of performing arts enterprises in India are still unorganized, operating on “verbal understandings” rather than formal contracts that could protect the performer’s



rights against exploitation of institutions and projects.

As per the reports in the First Post, students of the prestigious institution, National Institute of Kathak Dance, have been sexually harassed by their renowned gurus. Patriarchy's hold and the culture of silence have prevented anyone from speaking up or filing formal complaints against the harassers. Those who have raised their voice against such brutality are simply shown the door. The 2013 statute known as the Sexual Harassment at Workplace Act designates performing arts venues as well as the places the artist travels for work-related reasons as

workplaces, making any sexual harassment that occurs there while the artist is employed by the organisation illegal. In 2018, India gave emphasis on the activities of the World Intellectual Property Organisation (WIPO) and signed treaties that strengthen the rights of the performers, singers, musicians and sound recorders. It guarantees them greater protection for their works on the internet as well as on the digital environments. Sections 38A and 38B of the Copyright Act, 1957 provides exclusive and moral rights of the performing artists. Without affecting the powers granted to them, Section 38A gives them the authority to do or authorize the recording or incorporation of their performances in movies. The section's caveat also gives performers the right to claim royalty in the event of utilization of their performances for profit. Similarly as per Section 38B



of the act,
artists are granted moral rights which are in line with the WIPO Performances and Phonographs Treaty, WPPT, Article 5.

Though India has come a long way to protect the interests of performing artists.

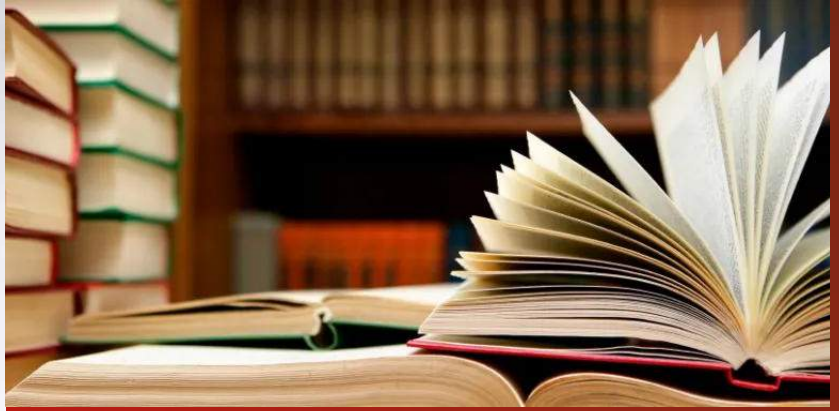
To make them sustainable in the upcoming generations, there must be initiation of proper contracts, safe workplace arrangements, monthly salary, and medical benefits for full-time performers. Our country is yet to make significant policy reforms for prevention of unauthorized reproduction of compositions and films. It must take inspiration from countries like the United States, Taiwan and impose heavy penalties on copyright breaches to excel the arena of artistic creativity.

COPYRIGHT - ENCROACHMENT ON ARTISTIC DEXTERITY

ARUNIMA KUNDU

Copyright is a legal term which is used to describe the rights of authors over their artistic works such as paintings, composing music, advertisements, making sculptures etc. It is a legal right of the authors or creators on their own intellectual property. But it is often observed that such rights are infringed by plagiarists. Such infringement on the intellectual rights of the owner is known as copyright infringement. Copyright infringement is an unauthorized use of creators work without the creator's permission or authorization. Such an act is against the law of the country and is considered an offence when committed with complete knowledge of its consequences. In certain instances, such infringement of art leads to revenue loss. Most importantly, it encroaches upon the artistic purview of the creator and bars the field of free expression of art for the aspiring future artists.





INTERWINING ART IN THE LEGAL SPHERE

DEBANGANA BOSE

A country like India houses artists in possibly all nooks and corners. Having such a guild of versatile creators, makes our country culturally rich and diverse. This comes from the deep-rooted long-standing customs and a never-ending array of talented young and old artists.

Art, Literature the study of cultural heritage along with the richness of subject matters of art such as balance, emphasis, movement, proportion, rhythm, unity and variety, that an artist deeply amalgamates into creating the beauty of an art is fancied, critiqued and appreciation by many eminent artists.

The creations of these talented artists often falls prey to the perils of plagiarism masked under the disguise of inspiration. There has been reported cases of

duplication of art in forms of music, painting and sculptures which tend to be justified under the claims of absolute inspiration or complete unawareness. Due to such acts surfacing over the masses, stringent laws must be introduced to protect the artistic excellences.

Art Law can be simply defined as a body of law involving various disciplines which protects, regulates and facilitates the creation of art. The law of art indicates a complex legal system. It is in close connection with the commonly surfacing cases of copyright and cultural heritage law. It deals with conflicts resonating with the authenticity and attributions of works of art, ownership

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and provenance, resale, rights, donation inheritance and in a broader sense relating to everything in the world of art.

The Copyright law gives original creators the exclusive right to further use and duplicate the material for a given amount of time. When someone creates a product that is viewed as original and has required significant mental activity to create, this product becomes an intellectual property, that is to be protected from unauthorized duplication. Examples of unique creations include: Novels, Art, Poetry, Musical lyrics and compositions.

The Copyright law provides a sense of relief to the artist since it is designed to protect the original creations of the artists and prevents duplication of their work without permission. It preserves the artistic independence of the creator and prevents their originality from being sold in the market as mere cloned works



LAW AND THE ARTS : SUBCONSCIOUSLY CONCISE



PRAJUKTA GHOSH

Art in all its glory is the greatest equalizer. The beauty with which it depicts the monstrosities rampant in our society, the simplicity with which it delves into complex issues that plague our community is what assists us in being socially aware of all the different aspects of the world we live in. Pablo Picasso, one of the most acclaimed painters of the twentieth century, depicted the harrowing impact of war through his painting "Guernica." The freedom with which artists bring to life the concepts, that often renders people tongue tied is what

enlightens the masses and nudges them to address the issues which people are often keen to avoid. Art serves as a wake-up call and a flag bearer of justice and equality. It urges people to be compassionate to those who are suffering, accepting of change, inclusive and understanding of those that are different to us in any way or form and to have that strength in character to stand by. Whether it is equal rights for women or breaking gender stereotypes or tackling discrimination based on caste, creed, colour, religion, sexual orientation etc art has always put one principle above all others and that is - Humanity.

Law and Art are two halves of a mirror that depicts the true reflection of society with all its



flaws and shortcomings. It is in the eyes of the law that we are all equal. It is our protector and shield from anarchy. The social injustices often brought forward through spell binding works of art are tackled by the legal system. Since the advent of civilization as people began to settle down law has aided us to shape our lives so that we can develop successfully while adhering to righteous and morally correct codes of conduct. Indian law derives its roots from the Upanishads, the Vedas, and other religious texts. With modernization and considerable development in not only the legal system but also the country, Indian law has undoubtedly kept up with the changing tides but that has only been possible because of its unique ability to

retain its culture and values while pursuing adaptability in changing circumstances. Law has principles of science in it as it is based on evidence, hard facts, truths but it also is an art in equal measure. To understand the cause you are fighting for, to be empathetic with the parties suffering and to establish a relationship based on mutual trust and understanding with your clients is the art of the legal sector. Indian law till date is tremendously influenced by cultural, ethnic, and societal values and our association with our culture and heritage is indubitably a valuable aspect of Art .Law and The Arts are those pillars of society that bring forth concerns that people are aware of but are reluctant to take any action against. They help keep the dream of utopia alive.

THE ARTISTRY OF LAWMANSHIP



PRIYADARSHINE LAW

India is a land of cultural diversity demonstrating the heritage, unity and the beauty of the vernaculars through its art forms. Ratan Bhatt is a leading Bollywood director delivering megahit blockbusters and reigning the cinema industry. Known as the Akira Kurosawa of India, his mythological trilogy - Agnishetra, Kuruvansh, Sativrata received a national award for the best screenplay of all time. Victorious in his genre, Bhatt decided to enter the genre of comic reliefs in cinema. His latest movie, 'Brother ki Dulhan' starring Samantha Pandey and Himesh Mehta, was going movie to be a box office hit. On the 10 th of August 2020, few days before the release of the film, when they were about to sell the promotional videos, Bhatt received a newspaper with the headlines 'Gali gali me shor hai, Bhatt ke kaam mei khot hai'. It alleged that

the theme and character sketch of the movie were dubbed from the movie, 'Jhoom Barabar' by F-series. The movie lacked originality and violated the provisions of The Copyright Act, 1957. To 45 year old Bhatt, his career came crashing at his feet. The artistry, the finesse and the respect he had earned over his craftsmanship was questioned before the court of media. To a layman, this would have been a devastating situation but to a lawman, this was a search for truth. Aman Trivedi, Mr. Bhatt's lawyer filed a suit for defamation against the NYK newspaper. The alleging company was F-series production who filed for copyright infringement, claiming 'Brother ki Dulhan' to be an infringing copy as per Section 2(m) of the act i.e. was an unauthorized cinematographic reproduction of Jhoom Barabar.





They contended that they held absolute copyright of the artistic excellence of storyline, theme, dialogues and had not assigned or sold the right. The theme, character-sketch was dubbed and lacked the creative and originality of script and literary work. F-series filed a criminal suit against Bhatt to boister the personal rivalries and demanded the movie to be shut down. However, the lawman with his intricate art of advocacy proved before the Court that Mr. Bhatt was unaware and had no reasonable grounds to believe that copyright subsisted in the work. Hence, F-series can demand an injunction and not shutdown of the movie. The presence of minor infringing scenes without the consent of the original author led to copyright infringement of the movie by Bhatt as per Section 51. The Court issued an injunction against the infringing scenes and directed him to pay a part of pre-release profit received from the sale of infringing copies. However, the artistry and skill of the lawman preserved the respect and originality of the artist in the field. The genius and mastery over the legal field conserves the intellectual rights of the creators and the efficacy of the Indian judiciary preserves the multicultural essence of India.



EMERGING ISSUES IN THE DIGITAL AGE: ONLINE PIRACY AND FAIR USE

JOYSRI MONDAL

The digital age has provided unparalleled chances for creativity, communication, and information. However, it has also brought about new challenges of online piracy and fair use along with various online difficulties, arising in the field of intellectual property. Intellectual property rights, including patents, copyright and trademarks, act as a catalyst for innovation.

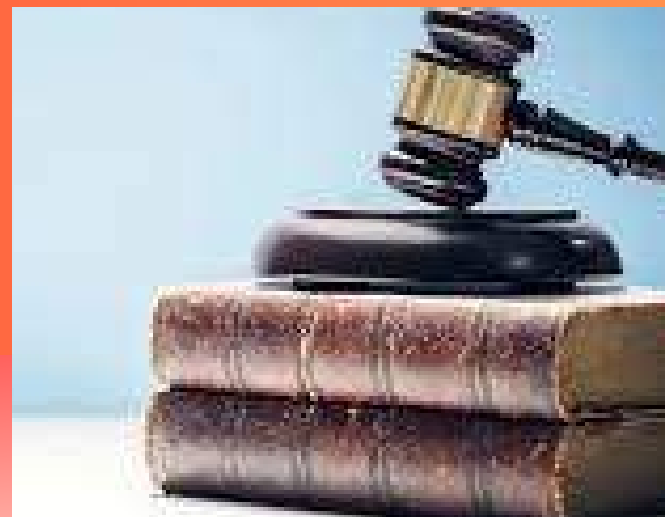
This protects the creators and encourages them to invest their time, resources and creativity in order to produce new ideas, products and artistic expressions. These safeguards allow creators to benefit from their work for a limited period of time.

Online distribution of copyrighted content without permission has grown to be a major problem in the digital world. Software, movies, music and other creative contents can be pirated, which affects the creators, economies, and the industries. As a result, the creators face two threats, firstly they suffer significant financial loss when their works are duped and shared without their permission, secondly, they have no control over how their arts are displayed and consumed by the general public.

For the purpose of enforcing and deterring online piracy with legal measures, the government has introduced Anti-piracy laws, site blockings and takes legal actions against the infringing parties which are a part of the strategy of the government to protect intellectual properties.



The Copyright Act, 1957 acts as a fundamental law for solving disputes related to infringement of copyright in India. Section 13 of the Act states that original literary, dramatic, musical and artistic works, cinematograph films and sound recording all have copyright protection. Section 55 provides Civil remedies such as injunction, damages for infringement of copyright. Section 57 states that the author of a work has the right to claim authorship of the work; and restrain or claim damages in respect of any distortion, mutilation, modification or other act in relation to the said work. Section 63 specifies criminal penalties such as jail time, fines, searches, the seizure of contraband etc. for copyright infringement The concept of Fair Use plays an essential role against piracy of original content in order to maintain a balance between protecting Intellectual property rights and allowing legitimate use of the copyright material. The fair use provision allows certain uses of copyright works for the purposes of criticism,





commentary, news reports, education and research, where no permission is required.

The purpose and character of the use evaluates whether the new work transforms the original content or not. Transformative uses, such as criticism, commentary, parody, and education are more likely to be deemed fair. For the purposes of education, fair use allows copyright material to be used in a manner that benefits teaching and learning. Factual and published works are more amenable to fair use than creative, unpublished works. This factor aims to balance the protection of more original and creative content against the public's right to use factual information. Using a small and less significant portion of the work is generally more likely to be considered fair use. However, this factor is not determined solely by quantity; the importance of the copied portion to the original work is also taken into account.

The final factor assesses the impact of the use on the original work. If the use negatively impacts the market for the original work, it may weigh against fair use. However, if the new work serves a different purpose, it may be considered fair. Fair use in the creative sphere is also beneficial for artists who want to make something new out of the existing works. To maintain the growth of the digital world, there needs to be a balance between the rights of the content creators while allowing for the transformative and beneficial use of creative works. It is through this delicate equilibrium that societies can truly harness the power of intellectual property for the greater good.

LAW AND ART : THE COMPARATIVE CREATIVE PROCESSING

SAJEDA ZAMAN



Law and Art - Law borrows the craft of the literary art in order to advance social activism. Hence the elements and attributes of the literary art and its interpretation have their place in the law. The relation between Law and art is indeed a paradox because it brings together two antagonistic creative processes.

At the initial stage in the process of interpretation, an 'aesthetic approach' may enrich the law and even encourage occasions of rethinking and remodeling Jurisprudence. The amalgamation of creative thinking with legal interpretation

In between the creative process at one end and interpretive Process at the other, the element of persuasion will inject art into Law.

The two discrete notions, i.e. Art on one hand and Law on the other, both can meet successfully in one life as 'dual professions'. To protect the sanctity and integrity the sensual / sensory path to her act which under my hypothesis is antagonistic to generalization and rationalization of the Lawyer's mind , even the most gentle artist would probably agree with Shakespeare: "The First thing we do Let's kill all the Lawyers"



LAW AND ART : WHERE THEY INTERSECT

SAYANEE DAS

Art has played an important role in social justice education, community building, and social activism/social movements. It provides a universal language that gives voice to individuals and communities and is accessible across social boundaries. These examples can overlap and are not strictly confined to one specific category. The main aspects of law which is socially responsible by the spine of art is Intellectual property rights, cultural heritage protection, art contracts, freedom of expression and so on.

Here the discussion is looking forward upon the intellectual property rights and its attachments with arts. Intellectual property (IP) plays a crucial role in the arts. Here are key aspects:

Copyright : Protects original works of authorship, including literature, music, and visual arts. It implies creators authoritative rights to their creations based on their own satisfaction and imagination.

Trademarks : Artists may use trademarks to protect symbols, names, and designs associated with their work. Branding is another issue which arises in this field of law.

Patents : While less common in the arts, some innovative artistic processes or tools may be eligible for patent protection.

Fair Use : Artists navigate fair use laws, allowing limited use of copyrighted material without



permission for purposes such as criticism, commentary, or education.

Licensing and Contracts : Artists often use licensing agreements to define how their work can be used, ensuring they retain control over its use while still benefiting financially.

Understanding these aspects helps artists safeguard their creations and navigate the legal landscape surrounding intellectual property in the arts.

Although the relationship between law and art is complex. While law provides a framework for societal order and justice, art often reflects and challenges societal norms, contributing to cultural dialogue. Legal systems may also address issues related to artistic expression. Overall, they intersect in shaping and reflecting the values of a society.



LAW AND ARTS : THEIR INDISTINGUISHABLE AIM

SHIVAM RAHA

Law and the arts share a common goal of shaping society and reflecting its values. The arts, including visual arts, music, literature, and performing arts, often serve as a medium for expressing social issues and challenging the status quo. Artists have the power to provoke thought, spark conversations, and advocate for change through their creations.

On the other hand, law provides a framework for society to function and ensures justice and order. It establishes rules, regulations, and legal principles that govern various aspects of our lives. It addresses issues such as intellectual property rights, freedom of expression, and cultural heritage, which are directly connected to the arts.

One significant area where law and the arts intersect is intellectual property law. Artists rely on copyright protection to safeguard their creative works from unauthorized use or reproduction. This protection encourages artistic expression and ensures artists receive recognition and compensation for their creations.

Another aspect is entertainment law, which deals with legal issues related to the entertainment industry, including music, film, and theater. Entertainment lawyers play a crucial role in negotiating contracts, protecting intellectual property, and resolving disputes, ensuring that artists' rights are upheld.



Additionally, cultural heritage law plays a vital role in preserving and protecting artistic and historical treasures. This branch of law focuses on safeguarding cultural artifacts, monuments, and sites, preventing their destruction or illegal trafficking. It recognizes the importance of art in preserving our collective history and identity.

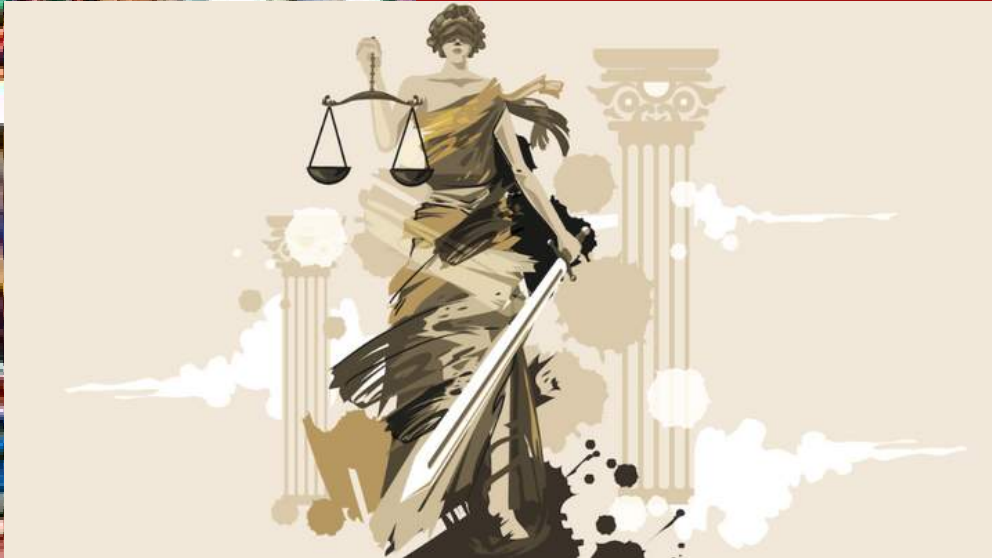
Moreover, law and the arts intersect in the courtroom. Legal cases often involve artistic works as evidence or as a subject of dispute. For example, copyright infringement cases, art forgery trials, or disputes over ownership of artistic creations require legal expertise to navigate complex issues.

In terms of education, some universities offer programs that combine law and the arts, allowing students to explore the intersection of these disciplines. These interdisciplinary programs provide a unique opportunity to understand the legal and ethical dimensions of artistic practices and the impact of the arts on society.

In conclusion, the relationship between law and the arts is multifaceted and dynamic. They influence each other in various ways, shaping our understanding of society, culture, and justice. Exploring this intersection reveals the importance of both disciplines in fostering creativity, protecting artists' rights, and preserving our cultural heritage.



THE HARMONIOUS INTERPLAY OF LAW AND ART: A SYMPHONY OF EXPRESSION AND REGULATION



SOHAM GOSWAMI

In the grand tapestry of Human civilization, the kingdom of law and the kingdom of Art converge, creating a dynamic and symbiotic relationship. This synergy goes beyond the realm of any restrictions.

The term "Law" depicts a picture of a rigid structure of rules and regulations whereas the term "Art" depicts lucid expression. Law always seems to find a vibrant counterpart to art's fluid and expressive nature. Engaging all such dilemmas and synergies between both, this Article seeks to explore the harmonious interplay of law and Art, exploring how they

mutually shape and reflect each other.

Art and Artists have been serving as a Medium of expression for legal narratives to the society; be it from classical paintings depicting historical legal proceedings, legal issues to contemporary works addressing social justice, Social and legal issues as well as legal concepts. Artist through their artistic skills like painting or singing have many a times established norms in society. Works like "The Old Bailey" by Thomas Rowlandson or Abraham Solomon's "Waiting for the Verdict" stand as powerful examples of art's ability to capture the essence of legal issues. The famous plays Such as The Merchant of Venice, Measure for Measure, and The Winter's Tale by William Shakespeare provide an imaginary



version of immanent institutional configuration in English Jurisprudence.

Artists often use their artistic skills to comment on issues of justice, Human rights, and social equality. Through their work, artists raise awareness of legal justice and injustice. It should be noted among all that Legal framework plays a crucial role in safeguarding the rights of an artist. Law regarding intellectual property, Art , Cultural heritage, copyright, and trademark, provides artists and creators the legal means to protect the unique feature of their Artistic expressions. Just imagine a world where there are no rules to protect the Artist or creators. Everyone would jump in to copy any creator's creation the credit would be snatched by a person who is not even half as

talented as the original creator at all the creator of that poem.

There are several cases of copyright infringement which in point this particular aspect. Mention may be made of a landmark case. Saregama India Ltd. v. Sanjay Bansal. Various kinds of laws rules and regulations throughout the world protect the Artists providing them a free and safe environment to express themselves. Article 19 of the Indian constitution also gives Freedom of speech and expression. There are several Legal challenges and problems such as Art theft etc., but legal professionals specialized in this field protect the Rights and integrity of the Artist and creators. The interplay of Art and law is dynamic. Artists and creators weave legal narratives into their work by raising legal awareness and challenging social norms. On the other hand legal framework provides the ambience where they can express their Artistic skills. The Harmonious interplay of law and Art is not only a reflection of society but also a catalyst for wholistic transformation.

LAW AND ARTS : AN ESSAY ON RELATIONSHIP BETWEEN LAW AND ARTS



SOURASHMI DAM

The relationship between law and the arts is complex and multifaceted, encompassing both historical and contemporary dimensions. This essay seeks to explore how the two seemingly disparate fields intersect, influencing and enriching each other.

To begin, art has long been used as a medium of analytical criticism for the legal system. This can be seen throughout history in various forms of art, such as literature, theatre, and visual arts. Famous literary works like Franz Kafka's "The Trial" and Arthur Miller's "The Crucible" delve into the intricacies of legal proceedings and the impact of the law on individuals. Through their narratives, they shed light on the evils of injustice and corruption within the legal system.

Visual arts, on the other hand, have often been a platform for expressing societal values and challenging the established norms, including those set by the law. Artists like Francisco Goya and

Pablo Picasso used their works as a medium for protest against war, oppression, and authoritarian regimes. Their art not only conveyed powerful political messages but also exposed the legal ramifications of such circumstances.

In more recent times, the relationship between law and the arts has evolved to encompass copyright and intellectual property issues. The rise of the internet and digital media has brought legal challenges related to intellectual property, fair use, and freedom of expression. This has led to legal cases involving artists, musicians, and writers, highlighting the need for a delicate balance between the protection of intellectual property rights and the promotion of creative freedom.

Moreover, art plays a crucial role in the interpretation of law. Legal texts can be intricate and laden with jargon, making them difficult for the average person to comprehend.

Visual representations, infographics, and performance art have been used to simplify complex legal concepts and make them accessible to a



broader audience. This has the potential to enhance legal education and foster a better understanding of the law.

Conversely, the law also intersects with the arts in the realm of cultural policy. Governments enact legislation to support and protect cultural heritage, encourage artistic expression, and fund cultural institutions. The law plays a pivotal role in copyright protection, art restitution, and the regulation of artistic practices, impacting the art world in myriad ways.

In conclusion, the relationship between law and the arts is a dynamic and intricate one. Art has been a vehicle for critiquing, challenging, and reflecting upon the legal system, while the law has shaped and influenced artistic practices and the protection of intellectual property. This interaction between law and the arts, both historical and contemporary, serves to enrich and broaden our understanding of society, justice, and creativity. It is a relationship that continues to evolve, reflecting the ever-changing nature of both fields.



LAW AND ART: A HARMONIOUS INTERSECTION

SUMAN AGARWAL



"Where art meets law, creativity and justice intertwine." Though art and law may seem like two separate and distinct realms, but upon closer examination, they intersect in fascinating ways that reflect the complex tapestry of human society. While law primarily governs our social and political structures, art serves as a reflection of our cultural and creative expression. Law itself is an art. The idea of law is to maintain the beauty of our society without which art cannot thrive. Art has played a significant role in the interpretation and application of law throughout history.

Our legal systems often depend on the visual and symbolic representation of justice. Lady Justice, a blindfolded women

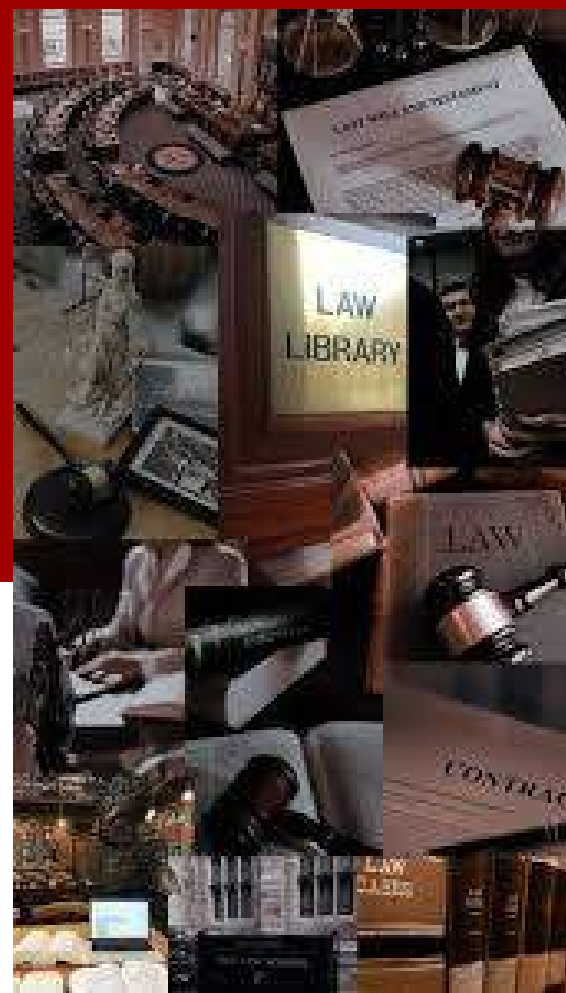
holding scales and a sword, is a universal symbol of the legal system. This iconic image, is in itself an artistic representation which portrays the beautiful idea of impartiality and fairness within the law. Art has also served as a tool for advocacy and activism. As lawyers are concerned with helping others, their artistic endeavors are often put on a back burner.

Art helps us to understand and express ourselves better, which are one of the most needed skill for an advocate. If lawyers pursue their artistic side, they might benefit in the court room in expressing their clients' point of view. As a performing lawyer in the courtroom it is important to frame and paint

own words in such a way that it not only strikes interest of the judges but also proves the point of view in a very compact manner.

Doing this is an art and require passion which comes from knowing one's artistic side. Art is a powerful form of expression and law requires its artistic freedom. One of the most apparent intersections of law and arts is in the realm of intellectual property. Artists create, whether it be visual art, music, literature, or other forms of expression, and the law provides a framework for protecting their creations. Copyright, trademark, and patent laws are crucial in safeguarding the intellectual property rights of artists and creators. They provide the legal means to prevent unauthorized use, distribution, or reproduction of creative works.

Copyright, in particular plays a pivotal role in the art world. It grants artists the exclusive right to reproduce their work, distribute it. The duration of copyright varies from country to country, but it



Generally allows artists to benefit from their work for a substantial period of time, thereby incentivizing further artistic endeavors.

The interplay between law and art is profound and multifaceted. Law serves as a protector of artistic creations, a guardian of free expression, and finding one's artistic side. This intersection enriches the art world by providing structure and protection, while also raising important questions about the limits of creativity and expression. In this complex relationship, law and art constantly influence and shape each other, making it a subject of enduring fascination for those who navigate the intriguing realms.



CANVAS OF ART AND LAW

UTANK BANERJEE

In the grand tapestry of human existence, where the brushstrokes of art meets the fine lines of law, there lies a canvas adorned with vibrant hues and intricate patterns. The enigmatic relationship between art and law is a delightful tango of creativity and regulations, where the strokes of a painter's brush clashes with the strokes of the legal jargon. Picturing a serene art gallery adorned with masterpieces, where each stroke speaks volumes and each canvas awaits a story to be told, the visually captivating creations of each stroke points out a maze of legal intricacies that could rival any Bollywood plot twist. When delved into the chaos of copyright laws, an artist's masterpiece could find itself in the uncharted territory of plagiarism. In the land of cultural diversity, where art has thrived for centuries in

various forms, from the awe-inspiring Madhubani paintings of Bihar to the intricate Warli art of Maharashtra, navigating the labyrinth of intellectual property rights can feel like solving a riddle without a clue.

The clash between the artistic freedom and censorship supplements to the complex masterpiece. India's rich cultural tapestry and diverse beliefs often find themselves at odds with the 'acceptable' art. Artists tiptoe on the tightrope of expression, balancing their creative vision with societal norms and legal boundaries. It's a performance worthy of the finest acrobats!

The public art installations, where larger-than-life sculptures and murals transform cities into open-air galleries, there lies a fine line between public admiration and



bureaucratic red tape. The saga of permissions, licenses and local regulations gives even the most patient artist a headache. Picasso might have painted a blue period, but Indian artists are soon to experience a paperwork period! Reminiscing the drama of art auctions and sales, behind the glamorous facade of bidding wars and record-breaking prices, lies the fine print of contractual obligations,

authenticity certificates and the occasional legal dispute over provenance. It makes every sold artwork fall with a complimentary legal entanglement.

In this whirlwind romance between art and law, satire often finds its place. The irony of an artist creatively challenges the societal norms while navigating through the constraints of those established standards. The paintings are often portrayed as a rebellious streak on a canvas bordered by rules and regulations, which is an artistic rebellion in itself.

As the strokes of the artist's brush meets the strokes of legal doctrines, the interplay between creativity and regulations continues to shape the artistic landscape in India. While the canvas may sometimes seem marred by legal battles and bureaucratic hurdles, the spirit of art prevails, painting a colorful narrative that transcends boundaries and challenges conventions. Therefore, the enigmatic rendezvous between art and law - a duet where rules meet rebellion and the canvas of creativity finds its frame in the corridors of legality, the dance of the antipodes continues to enthrall, surprise, and, of course, keep the lawyers entertained.



LEGAL SAFEGUARDS FOR THE ART WORLD



Rights available to film maker under Copyright:

- **Reproduction Right:** The right to make copies of the film, whether in physical or digital form.
- **Distribution Right:** The right to distribute copies of the film to the public, whether through sale, rental, lease, or lending.
- **Public Performance Right:** The right to show the film to the public, whether in theaters, on television, or through other public venues.
- **Public Display Right:** The right to display the film publicly, such as in an exhibition or gallery.
- **Adaptation Right:** The right to create derivative works based on the original film. This includes remakes, sequels, or other adaptations.

- **Moral Rights:** These rights are often recognized in many jurisdictions and include the right to attribution and the right to integrity (the right to object to derogatory treatment of the work that could harm the creator's reputation).
- **Performance Right:** In some jurisdictions, filmmakers may have the right to control the public performance of their films, separate from the right of reproduction or distribution.
- **Rental and Lending Rights:** Some countries provide creators with the right to control the rental and lending of copies of their films.
- **Duration of Copyright:** The duration of copyright protection varies, but it typically lasts for the life of the author plus a certain number of years. In the case of films, the duration may be calculated from the death of the last surviving contributor.



- **Fair Use and Fair Dealing:** Some jurisdictions have provisions for "fair use" or "fair dealing," which may allow the limited use of copyrighted material without permission for purposes such as criticism, commentary, news reporting, teaching, scholarship, or research.

• Performer rights:

the specific provisions related to performer rights under the Indian Copyright Act include:

1. Right of Reproduction:

- o Section 38A: This section outlines the rights of performers and provides for the exclusive right to reproduce their performance.

2. Right of Broadcasting and Communication to the Public:

- o Section 37: This section addresses the performer's right to be identified in relation to his performance.
- o Section 39: This section provides performers with the right to prevent the unauthorized recording and broadcasting of their performances for commercial purposes.

• 3. Moral Rights of Performers:

- o Section 38B: This section covers the moral rights of performers, including the right to attribution and the right to object to derogatory treatment of their performances.

• 4. Remuneration Rights:

- o Section 38A(2): This subsection deals with a special provision regarding the assignment of the right to receive royalties, ensuring that performers are entitled to receive royalties for commercial use of their performances.

• 5. Duration of Protection:

- o Section 38: This section specifies the term for which performers have the right to receive royalties for the commercial use of their performances.

• Broadcasting Right:

the specific provisions related to broadcasting rights under the Indian Copyright Act include:

1. Broadcast Reproduction Right:

- o Section 37: This section grants the broadcaster the exclusive right to make reproductions of a broadcast.

- **2. Broadcasting Rights in Literary and Musical Works:**

- o Section 31A: This section deals with the broadcast of literary and musical works, as well as sound recordings, and outlines the conditions under which broadcasting rights can be exercised.

- **3. Compulsory License for Broadcasting:**

- o Section 31B: This section provides for the issuance of a compulsory license for the broadcasting of literary and musical works and sound recordings.

- **4. Statutory License for Broadcasting:**

- o Section 31C: This section provides for a statutory license for broadcasting literary and musical works and sound recordings, subject to certain conditions.

- **5. Broadcasting of Cinematograph Films:**

- o Section 31: While primarily dealing with the rights related to cinematograph films, this section also addresses the broadcasting of such films.

- **6. Remuneration for Broadcast:**

- o Section 38A(3): This subsection deals with the performer's right to receive remuneration for the use of their performances in broadcasts.

- **7. Duration of Protection for Broadcasts:**

- o Section 37(4): This subsection specifies the term of protection for the broadcast reproduction right.

- **Case Laws**

- **YRF vs Sri Sai Ganesh Productions**

In this case, YRF filed a copyright infringement suit against Sri Sai Ganesh Productions on the grounds that it copied their movie 'Band Baaja Baaraat' and produced 'Jabardasht' movie which had substantial and material similarities in terms of concept, theme, character, plot, story, script and expression amongst other things. The court extended the test of originality since the films are protected like original works, to distinguish between the two films based on 'foundation, substance and kernel' and understand the average moviegoer's viewpoint

as to whether they would have an impression that one work was a copy of the other. The court held that Sri Sai Ganesh Productions had blatantly copied the YRF film's essential, fundamental and distinctive features, resulting in copyright infringement.

- **Hawkins Cooker Ltd. vs Magicook Appliances**

Hawkins Cooker Ltd sued Magicook Appliances on the grounds of illicitly using their label registered under the Copyright Act, 1957, which they used on their renowned pressure cooker line. The court deterred Magicook Appliances from using the Hawkins Cooker Ltd cookbooks. It ordered Magicook Appliances to deliver damages to Hawkins Cooker Ltd company for all alleged books, products, and articles employed by them in manufacturing the offending goods.

- **Super Cassettes Industries Limited vs YouTube and Google**

Super Cassettes Industries Limited (SCIL) claimed that the YouTube business model makes a substantial profit from using the copyrighted work uploaded without approval from the copyright owners and without paying a royalty for the same. The court opined that YouTube, the video streaming giant and Google should stop distributing, reproducing, displaying or transmitting on their portal any audio-visual works in the exclusive ownership of the SCIL.





ASHOKE VISHWANATHAN

ASHOKE VISWANATHAN IS CURRENTLY PROFESSOR AND HEAD OF THE DEPARTMENT OF PRODUCING FOR FILM AND TV SPECIALIZATION AND DEAN (FILM WING) AT SATYAJIT RAY FILM AND TELEVISION INSTITUTE, KOLKATA AND AN OCCASIONAL LECTURER AT JADAVPUR UNIVERSITY.

HE HAS MADE AWARD-WINNING FEATURES AND DOCUMENTARIES, "THE LIGHTHOUSE", "THE OCEAN AND THE SEA". TWO OF VISWANATHAN'S FILMS HAVE WON NATIONAL AWARDS: HIS DEBUT FILM "SHUNYA THEKE SHURU" AND "KICHU SANGLAP KICHU PROLAP".

HE HAS ALSO DIRECTED COMMERCIAL FILMS LIKE "SESH SANGHAT", STARRING MAINSTREAM ACTORS JAYA PRADA AND JACKIE SHROFF, AND "GUMSHUDA" IN HINDI, MALAYALAM AND TAMIL ("VAIRA KOLAIGAL"), A WHODUNIT BASED ON SHERLOCK HOLMES, TARGETED AT A MASS AUDIENCE.

HE HAS SERVED AS THE CHAIRPERSON OF THE JURY FOR NON-FEATURE FILMS FOR THE NATIONAL FILM AWARDS.

THREE OF HIS FEATURE FILMS AND TWO OF HIS SHORT FEATURES HAVE BEEN INCLUDED IN THE INDIAN PANORAMA SECTIONS OF IFFI '94, 1999, 2001, 2002 AND 2005. HIS FILMS HAVE BEEN SHOWN AT THE COMMONWEALTH FILM FESTIVAL, MANCHESTER, THE PYONGYANG INTERNATIONAL FILM FESTIVAL, THE DHAKA INTERNATIONAL FILM FESTIVAL, AND THE IPSWICH FILM FESTIVAL, AMONG OTHERS.

ASHOKE VISWANATHAN HAS REPRESENTED INDIA AT THE CAMBRIDGE SEMINAR ON CONTEMPORARY BRITISH WRITING, HELD AT DOWNING COLLEGE, CAMBRIDGE (1997)

ON A WINTRY EVENING, TWO STUDENTS FROM HERITAGE LAW COLLEGE WERE BLESSED TO GET AN OPPORTUNITY TO SPEAK TO THIS SENSATIONAL PERSONALITY FROM THE INDIAN ENTERTAINMENT INDUSTRY. FOLLOWING IS AN INTERVIEW BASED ON THAT INTERACTION.

LAW, ARTS AND THE SOCIETY: A DIALOGUE WITH SRI ASHOKE VISHWANATHAN

DO YOU FEEL THAT ARTISTIC EXPRESSIONS IN MOVIES IMPACT THE SOCIETY? ARE THEY CAPABLE OF BRINGING ANY CHANGE IN THE UPCOMING FUTURE?

IN GENERAL, I DO NOT FEEL THAT MOVIES HAVE A GREAT IMPACT ON CHANGING THE LAWS OR THE LEGAL SYSTEMS FOLLOWED BY THE LEGAL LUMINARIES, LAWYERS AND JUDGES. HOWEVER, IN CERTAIN EXCEPTIONAL CASES, THEY BRING THE DORMANT CASES BACK TO LIFE AND HELP IN DELIVERING EQUITABLE JUSTICE. NO ONE KILLED JESSICA WAS A FILM THAT BROUGHT LOOPHOLES OF OUR JUDICIAL SYSTEM TO THE FORE AND UNITED A NATION TO DELIVER JUSTICE WHILE SOLVING THE CASE. OSCAR PISTORIUS: BLADE RUNNER KILLER WAS A MOVIE BY WHICH THE SOUTH AFRICAN ATHLETE, WHO WAS INITIALLY ABSOLVED OF GUILT, WAS LATER TAKEN INTO CUSTODY AND SERVED A SENTENCE. EVEN BY THE WEB SERIES STATE V. NANAVATI , THE JURY SYSTEM WAS ABOLISHED WHEN PEOPLE REALIZED THAT WHEN A PERSON ACCUSED OF MANSLAUGHTER COULD GET AWAY WITHOUT A SENTENCE AND DECIDING JUSTICE BECOMES LABORIOUS. IT POINTED OUT CERTAIN LACUNAE IN THE LEGAL SYSTEM, PERHAPS IT CAN BE SAID THAT THEY CREATE AN IMPACT IN CHANGING THE LEGAL FIELD.



HOW DO YOU PERCEIVE THE INTERSECTION OF LAW AND THE ARTS IN OUR SOCIETY IN SPITE OF THE FACT THAT BOTH BELONG TO COMPLETELY DIVERGENT GENRES?

FILMS DEAL WITH PROJECTS OF COLLECTIVE EFFORTS, DIFFERENT PEOPLE HAVE DIFFERENT RIGHTS, WRITERS HAVE THE RIGHT TO STORY AND THEY NEED TO BE PAID FOR THEIR EFFORTS. THE TECHNICIANS NEED TO BE PAID THEIR HARD WORKS. THERE EVEN EXISTS AGREEMENTS BETWEEN THE PRODUCER, DIRECTOR AND ACTOR THAT DETERMINES THEIR RIGHTS AND OBLIGATIONS BETWEEN THE PARTIES. NOT ONLY THAT, THE AGREEMENTS BETWEEN THE ACTORS AND OTHER CREW AIDS IN MAINTAINS THE NORMS OF SAFETY AND SECURITY ON-SET.



LAW, ARTS AND THE SOCIETY: A

DIALOGUE WITH SRI ASHOKE

VISHWANATHAN

HOW DOES LAW STRIKE A BALANCE BETWEEN PROTECTING FREEDOM OF ARTISTIC EXPRESSION AND ADDRESSING CONCERNS LIKE CENSORSHIP?

LAW NEEDS TO BE INTERPRETED AND NOT APPLIED ARBITRARILY. CENSORSHIP SHOULD BE CAREFULLY APPLIED AGAINST THOSE FILMS WHICH AFFECT INTEGRITY OF NATION AND PORTRAY ABUSIVE, CONTEMPTUOUS, SEDITIONOUS ACTIONS. THERE EXISTS A CENSORSHIP BOARD AND CENSORSHIP COMMITTEE WHICH SCRUTINIZES THE INACCURACIES IN THE FILM AND CENSORS THE OFFENSIVE PARTS. HENCE, IF THE SCENES OR MOVIES ARE NOT OUTRAGEOUSLY VIOLATING THE SOCIETAL STANDARDS, THOSE MOVIES SUBSIST IN MEDIA.



DOES ONLINE DIGITIZATION OF WORK AND COPYRIGHT ENCROACH ON THE CREATIVITY OF THE CREATOR?

ONLINE DISTRIBUTION OF CONTENT MAKES SHARING OF CONTENT EASIER, HOWEVER BRINGS FORTH CERTAIN ISSUES. ORIGINALITY OF CONTENT SHOULD NOT BE COMPROMISED AND CERTIFICATION SHOULD NOT BE ARBITRARY. IT SHOULD BE PROVIDED TO AUTHENTICATED ORIGINAL CREATORS AFTER ADEQUATE VERIFICATION PROCEDURE. HOWEVER, I DO NOT FEEL COPYRIGHT ENCROACHES ON THE CREATIVE EXPRESSION OF THE ORIGINAL CREATOR AS WHAT IS ORIGINAL CANNOT BE SURPASSED ON THE NAME OF INSPIRATION AND THERE HAS BEEN APPROPRIATE LEGAL REPERCUSSION, IF SUCH ACTIONS ARE DONE.

YOU ARE A MAN OF MANY TALENTS. HOW HAVE YOU MANAGED TO EXCEL IN ALL THESE FIELDS SIMULTANEOUSLY?

TO EXCEL IN ANY PARTICULAR FIELD, ORGANISATION IS NECESSARY. ONE NEEDS TO HAVE A CERTAIN LEVEL OF ECCENTRICITY IN ONESELF TO EXCEL IN THE ARTISTIC FIELD. YOU NEED TO BE CAPRICIOUS AND HAVE SOME CRAZE FOR YOUR WORK THAT OFTEN COMES INTO THE WRITING OR FILM MAKING. THERE IS NO DEFINITE ANSWER TO SUCCESS BUT ONE ALWAYS NEEDS TO REMEMBER TO BE CALCULATIVE AND KEEP SOME TIME FOR THEIR OWN NOURISHMENT AND WELL-BEING.

Based on an interactive session with
Upayan Chakraborty and Priyadarshini
Law, students of Heritage Law College



DEBOTTAM T. BOSE

DEBOTTAM T. BOSE, A DISTINGUISHED LEGAL PROFESSIONAL IS RECOGNIZED AS A PIONEERING FIGURE IN ART LAW. HE IS, IN FACT, REGARDED AS THE FIRST LAWYER TO PRACTICE ART LAW IN INDIA. HE HAS A BACKGROUND IN ART HISTORY AND HAS WORKED AT PRESTIGIOUS INTERNATIONAL LAW FIRMS SUCH AS SKADDEN, ARPS, SLATE MEAGHER & FLOM LLP AND WHITE & CASE LLP IN LONDON. INITIALLY FOCUSING ON ENERGY AND INFRASTRUCTURE LAW, AT PRESENT HE HAS ESTABLISHED A SPECIALIZED CONSULTANCY FOCUSING ON THE INTRICATE INTERSECTIONS OF INTERNATIONAL ART, FINANCE, AND PHILANTHROPY. HIS PRACTICE HAS EXPANDED TO ENCOMPASS A DIVERSE RANGE OF CLIENTS FROM PRIVATE COLLECTORS, FAMILY OFFICES TO ARTISTS, HOSPITALS, MUSEUMS AND UNIVERSITIES. A GUEST LECTURER AT INTERNATIONALLY ACCLAIMED INSTITUTIONS SUCH AS HARVARD LAW SCHOOL, HARVARD BUSINESS SCHOOL, COLUMBIA UNIVERSITY, JINDAL UNIVERSITY, ASHOKA UNIVERSITY, AND THE NATIONAL UNIVERSITY OF SINGAPORE, MR. BOSE INDEED HAS A GLOBAL PRESENCE. HIS WORK REFLECTS MULTIFACETED CONTRIBUTIONS TO THE INTERSECTION OF ART, LAW, AND PHILANTHROPY ON A GLOBAL SCALE.

FROM THE ART OF LAW TO THE LAW OF ARTS

DEBOTTAM T. BOSE
RENOWNED ART LAWYER

LAW AND ART ARE TWO SEPARATE DISCIPLINES, WHOSE INTERACTION WITH EACH OTHER BRINGS US TO THE CONCEPT OF ART LAW. TO UNDERSTAND THE NECESSITY OF SUCH AN INTERACTION BETWEEN TWO DIFFERENT DISCIPLINES, WE NEED TO PRIMARILY INSPECT THE TENANTS OF WHAT ENTAILS THE STUDY OF ART LAW.

ART LAW AMONGST OTHER THINGS GOVERNS THE LAWS OF SALE AND PURCHASE OF ART. IN THIS ARTICLE WE WILL ONLY FOCUS ON THE TRANSACTIONAL NATURE OF ART LAW. THIS MEANS THAT WHEN STAKEHOLDERS IN THE ART WORLD, FOR EXAMPLE A BUYER, A COLLECTOR IS BUYING ART WORKS FROM THE SECONDARY MARKET WHICH INVOLVES, DEALERS, GALLERIES, AUCTION HOUSES OR PRIVATE SELLERS THERE ARE CERTAIN CHECK LISTS ONE HAS TO GO THROUGH TO PROTECT ITSELF. LIKE ANY OTHER MARKET, THE ART MARKET IS RIDDEN WITH FAKES AND FORGERIES. WHEN COLLECTORS ARE BUILDING UP THEIR COLLECTION, ONE ASPECT OF THE ART PURCHASE IS LIKE AN INVESTMENT. ART IS SEEN AS AN ALTERNATIVE ASSET CLASS WHICH CAN GO UP OR DOWN IN VALUE. LIKE STOCKS OR SHARES OR LIKE PROPERTY. THUS, WHILE ASSISTING IN AN INVESTMENT OR PURCHASE OF ART, IT BECOMES ALL THE MORE IMPORTANT TO ENSURE THAT WHAT IS BEING BOUGHT IS AN ORIGINAL ART PIECE. THE MOST FAMOUS ARTISTS' WORKS WHICH CARRY A SIGNIFICANT ART STYLE, ARE USUALLY PRONE TO GETTING FORGED. THUS, WHILE STEPPING INTO THE WORLD OF ART AND ASSISTING IN COLLECTING ART AND INVESTING IN THE ART, ONE NEEDS TO BEWARE OF SUCH FAKES AND FORGERIES.

ONE WAY OF ENSURING THIS IS THROUGH THE INSPECTION OF LETTERS OF PROVENANCE. PROVENANCE IN GENERAL TERMS TRANSLATES TO KNOWING OF ORIGIN. FOR EXAMPLE, IT CONNECTS THE CONCERNED ARTWORK TO THE ARTIST AND SUBSEQUENT SALES OF THE SAME PIECE OVER TIME THROUGH VARIOUS BUYERS. IN THE CONTEXT OF ART LAW WHERE ART IS POTENTIALLY VIEWED AS AN INVESTMENT, PROVENANCE DENOTES TO TRACING BACK THE ORIGIN OF THE SAID ART PIECE, THIS BECOMES EXTREMELY CRUCIAL WHILE DETERMINING WHETHER THE ART PIECE IS AN ORIGINAL OR NOT. PROVENANCE IS USUALLY TRACED BACK EITHER THROUGH PROPER DOCUMENTATION USUALLY A LETTER OF PROVENANCE FOR THE SAID ART PIECE, BY VARIOUS BUYERS OR THROUGH THE ESTATE/FAMILY OF THE ARTIST AND PROVENANCE LETTERS ALONG WITH OTHER RELEVANT DOCUMENTS IS USED AS AN AID TO DETERMINE WHETHER THE ART PIECE IS AN ORIGINAL OR NOT.

FURTHER, FROM WHAT MEETS THE EYE, COLLECTORS OR INTERESTED PURCHASERS, SHOULD ALWAYS LOOK FOR PROBABLE PLACES ON WHICH THE ARTIST MAY HAVE SIGNED THE ART PIECE APART FROM THE GENERAL STROKES OF THE BRUSH AND IDENTIFYING THE ART STYLE OF THE ARTIST. ALTHOUGH THESE MERELY FORM A PRELIMINARY INVESTIGATION METHOD, SINCE FAKES AND FORGERIES THAT HAVE ENTERED THE MARKET ARE INDISTINGUISHABLE FROM THE ORIGINALS, THEY REQUIRE A DEEPER INVESTIGATION. THUS, WHAT IS RECOMMENDED IS UTILIZING ART LAWYERS TO MAKE THIS A SMOOTHER PROCESS, WHEREIN THE REQUIRED EXPERTISE IN BOTH ART AND LAW IS AT ONE'S DISPOSAL.

THUS, A LAWYERS ROLE IN ART LAW IN ITSELF IS INVESTIGATIVE IN NATURE BECAUSE OF THE FAKES AND FORGERIES IN THE ART MARKET ARE RAMPANT AND ONE SHOULD ALWAYS BEAR IN MIND THAT, DETERMINING WHETHER AN ART PIECE IS AN ORIGINAL OR FAKE REQUIRES, COLLECTORS OR POTENTIAL BUYERS TO ALWAYS LOOK AT BOTH, DOCUMENTARY EVIDENCE IN ONE'S FAVOUR SUCH AS LETTERS OF PROVENANCE AND LETTERS OF AUTHENTICATION AND A TRACEABLE LINE FOR THE SAID ART PIECE. IF THESE TWO CONDITIONS ARE MET, THERE WILL BE SOME CLARITY REGARDING THE TITLE OF THE ART PIECE. HOWEVER, AS ART FORGERS ARE BECOMING MORE SOPHISTICATED, BOTH LETTERS OF PROVENANCE AND LETTERS OF AUTHENTICITY CAN BE FAKED. HENCE THE INVESTIGATIVE NATURE OF VERIFICATION AND DUE DILIGENCE BECOMES CRITICAL BEFORE A SALE OF ARTWORK ESPECIALLY WHEN THE ARTIST IS NO LONGER ALIVE AND WORKS SOUGHT AFTER.

ANOTHER ISSUE THAT COMES UP IS STOLEN WORKS OF ART. ART LAWYERS HAVE TO ESTABLISH TITLE AND CHAIN OF OWNERSHIP TO VALIDATE ART WORKS BEFORE A POTENTIAL SALE. AGAIN, PROVENANCE AIDS IN THIS PROCESS.

THUS, A PRACTICE OF ART LAW NOT ONLY INCLUDES ACUMEN WITH RESPECT TO ART BUT ALSO INCLUDES THE INVESTIGATIVE ASPECT AND FURTHER KNOWLEDGE IN CONTRACT LAW, CRIMINAL LAW AND THE PRACTICE OF THE PROCEDURAL LAWS WHICH ARE APPLICABLE.

**SENT VIA EMAIL TO
PRIYADARSHINI LAW,
STUDENT OF HERITAGE LAW
COLLEGE**

IMAGE GALLERY





SAYANEE DAS





ADDAYA GHOSH





ADRIJA DEY





ADDAYA GHOSH





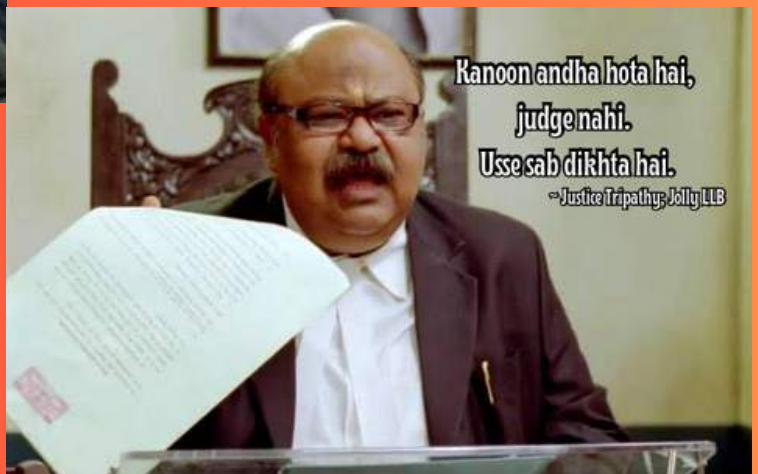
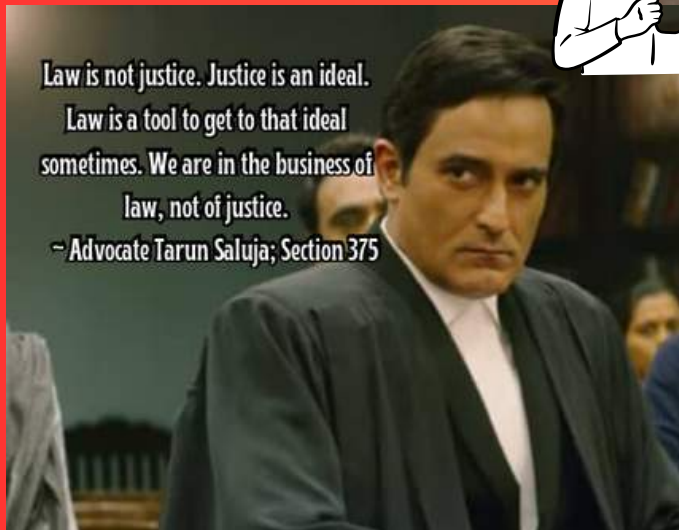
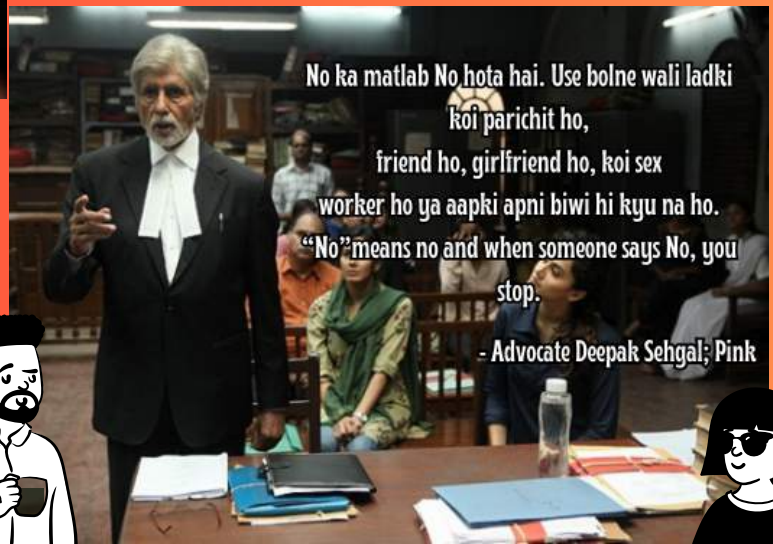
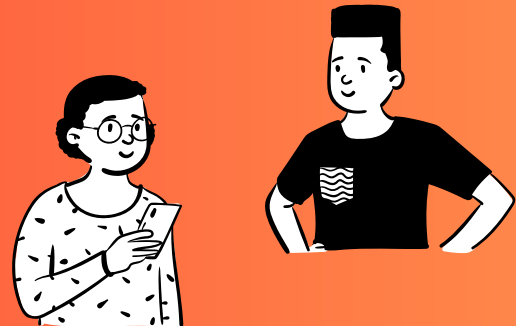
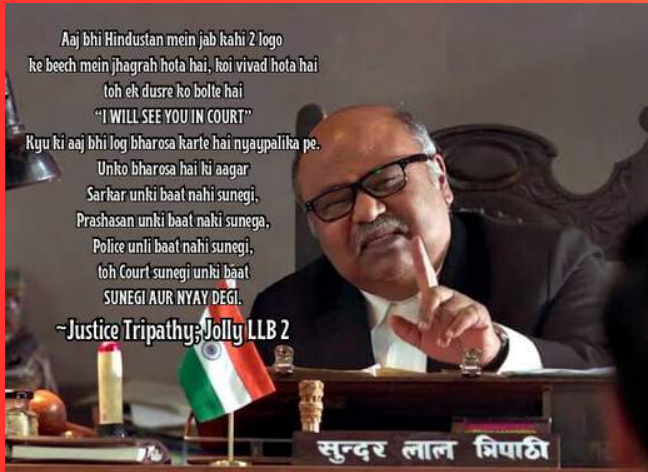
MEDHA DEY



LIGHTS,CAMERA AND...JUSTICE!



Let's delve into the vault of cinematic legend, unearthing the most electrifying legal movie dialogues that have ever graced the silver screen.



DID YOU KNOW?



THE FIRST FEATURE-LENGTH COURTROOM DRAMA IN CINEMATIC HISTORY IS "THE PEOPLE VS. LARRY FLYNT" (1996). DIRECTED BY MILOŠ FORMAN, THE FILM REVOLVES AROUND THE LEGAL BATTLES OF LARRY FLYNT, THE PUBLISHER OF HUSTLER MAGAZINE, AND HIS FIGHT FOR FIRST AMENDMENT RIGHTS. IT MARKED A SIGNIFICANT MOMENT IN LEGAL CINEMA, EXPLORING FREEDOM OF SPEECH AND CHALLENGING SOCIETAL NORMS THROUGH THE LENS OF THE COURTROOM.

ONE AMUSING FACT IS THAT THE FILM "MY COUSIN VINNY" (1992), A LEGAL COMEDY, IS OFTEN PRAISED BY LAWYERS FOR ITS ACCURACY DESPITE BEING A COMEDY. THE AMERICAN BAR ASSOCIATION EVEN HOSTED A PANEL DISCUSSION ABOUT THE MOVIE'S PORTRAYAL OF COURTROOM PROCEDURES. THE FILM'S HUMOR AND LEGAL ACCURACY MADE IT AN UNEXPECTED FAVORITE AMONG LEGAL PROFESSIONALS.

HELLER'S "CATCH-22" SATIRIZES BUREAUCRACY, INCLUDING LEGAL PROCESSES. THE TERM "CATCH-22" HAS EVEN ENTERED THE ENGLISH LANGUAGE TO DESCRIBE A NO-WIN SITUATION.

DID YOU KNOW?



SOME COURTROOM DRAMAS FEATURE REAL JUDGES AS ACTORS. THEIR EXPERIENCE IN THE LEGAL SYSTEM BRINGS AUTHENTICITY TO THEIR ROLES. NOTABLE EXAMPLES INCLUDE JUDGE JUDY'S CAMEO IN "LEGALLY BLONDE 2" AND JUDGE LANCE ITO IN "HEAT."

IN JAPAN, THERE IS A GENRE OF LEGAL MANGA THAT COMBINES LEGAL THEMES WITH STORYTELLING. "PHOENIX WRIGHT: ACE ATTORNEY" IS A POPULAR EXAMPLE WHERE THE PROTAGONIST IS A DEFENSE ATTORNEY SOLVING CASES IN A COURTROOM SETTING.

LEGAL NOIR IS A SUBGENRE THAT COMBINES ELEMENTS OF BOTH LEGAL AND NOIR FICTION. DASHIELL HAMMETT AND RAYMOND CHANDLER, KNOWN FOR THEIR CONTRIBUTIONS TO HARDBOILED DETECTIVE FICTION, LAID THE FOUNDATION FOR THE NOIR GENRE, INFLUENCING LATER LEGAL NOIR WORKS.

Students' ACHIEVEMENTS

NSHM LOGIN 2023

EXTEMPORE -3RD POSITION

- LIPIKA KHANDLWAL

FASHION TEAM- 1ST POSITION

ANIK GHOSHAL

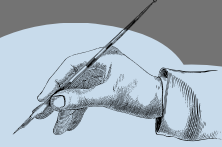
- SUBHANJANA ROY
- ISHA AJMERA
- ARJU SAHANI
- DEVIOTTAMA SARKAR
- DEBRAJ POREY
- BISHAL SENGUPTA
- JEET JENA
- SHYAMAL CHOWDHURY



JADAVPUR UNIVERSITY

ESSAY WRITING

- PRIVADARSHINE LAW- 1ST POSITION



UMANG (BHAWANIPORE
EDUCATION SOCIETY COLLEGE)

LEGAL LUMINARY-1ST POSITION

- DEBANGANA BOSE
- SHUBHAM GULATI
- PRIYANSHU CHATTERJEE



EXTEMPORE-3RD POSITION

- DEBANGANA BOSE

SNOOKER- 3RD POSITION

- NAUMAN ALAM



ST. XAVIER'S UNIVERSITY

MOOT COURT COMPETITION- BEST MEMORIAL

- UTANK BANERJEE
- UPAYAN CHAKRABORTY
- PRIVADARSHINE LAW



RSS LAW COLLEGE

DEBATE- 1ST POSITION

- SHOUMADIPA GUHA
- NIHALA SHIREEN
- HEM LATA ROY



IIHM

**TUG OF WAR- 2ND POSITION
- GIRLS TEAM**



Students' ACHIEVEMENTS

THK JAIN COLLEGE RIPPLES 2023

HAIR & MAKEUP- 1ST POSITION

- NEHA SARKAR



RAP- 2ND POSITION

- ABRAR AR



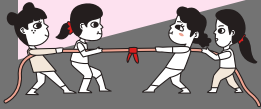
MOCK SABHA -2ND POSITION

- HEM LATA ROY



TUG OF WAR-3RD POSITION

- GIRLS TEAM



LADY BRABOURNE COLLEGE

DEBATE- 3RD POSITION

- HEM LATA ROY



GROUP DANCE- 3RD POSITION

- SHINJINEE DASGUPTA
- ALAPAN SARKAR
- ESHIKA SINHA
- TRIPARNA GUIN
- BISWADEEP GHOSH
- RAI NANDI



NON GAS COOKING- 1ST POSITION

- YASEERA AHMED



FASHION SHOW- 3RD POSITION

- SUBHANJANA ROY
- BISHAL SENGUPTA
- ISHA AJMERA
- JEET JENA
- ARJU SAHANI
- BIPRATIP CHOWDHURY
- JAVASREE SAHA
- RUPAK SENGUPTA



WESTERN DANCE-2ND POSITION

- MANAV DAS



JYOTIRMAY SCHOOL OF LAW

TUG OF WAR -1ST POSITION

- GIRLS' TEAM



BEST SPEAKER IN MOOT COURT COMPETITION-

- DEBANGANA BOSE



SOLO SINGING- 2ND POSITION

- RITUSREE DAS



DEBATE- 1ST POSITION

- SOHAM GOSWAMI
- NIHALA SHIREEN
- ARIJIT KUNDU



EVENT GALLERY



**1 & 2. ANTI RAGGING WALK ON 18.08.2023 .
3 & 4. GRADUATION CERTIFICATE DISTRIBUTION CEREMONY
ON 11.09.2023.**

EVENT GALLERY



5 & 6. MOOT COURT WORKSHOP ON 19.09.2023
7 & 8. CONCORD'23 ON 27.09.2023

EVENT GALLERY



9 & 10. DOSHOROO P E DOSHOBHUJA ON 13.10.2023

11 & 12. CONSTITUTION DAY ON 26.11.2023