Jatin Das v. Union of India

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The suit was filed on behalf of the renowned artist and Padma Bhushan awardee Jatin Das for the destruction of his Iconic Art Installation '*Flight of Steel*' from the steel city, Bhilai's famous Murga Chowk nick-named after the iconic sculpture. **Background:**

- In 1995, the plaintiff was invited by Steel Authority of India for creating a monumental welded Sculpture in pursuance to which the plaintiff created a 30 feet high and 30 feet round Steel Sculpture named as "Flight of Steel" in November, 1995 and it was installed at CEZ Square, Bhilai.
- Jatin Das who was on a visit to the steel city on 2nd March 2012, witnessed an empty space at CEZ Square popularly known as 'MurgaChowk'. Upon enquiry with the locals, he was informed that the Sculpture had been removed, dismantled and relocated by Steel Authority of India to a Zoo.
- The plaintiff rushed to the Zoo and found disfigured, twisted bits and pieces of the Sculpture dumped and scattered in two lots that were painted in various colours (blue, green, yellow and red).

Timeline:

- On 10th April 2012, Jatin Das filed this suit for a permanent injunction for restraining infringement of his special rights, namely 'moral rights' being the author of the Sculpture and for restraining the defendants from causing further loss, damage, distortion, mutilation or modification of the said Sculpture.
- The plaintiff relied upon the judgment of this Court in Amar Nath Sehgal v. Union of India, 2005 (30) PTC 253 (Del.) in which it was held that works of art are part of the cultural heritage of the nation and have to be protected and fully honoured.
- Vide order dated 11th April, 2010, the Court restrained the defendants from carrying out any further distortion with relation to the aforesaid Sculpture.
- The defendants contested the suit on the ground that the Sculpture was removed for the construction of a flyover which was passing over CEZ square and decided to relocate the Sculpture in Maitri Bagh which according to them was a park in Bhilai.
- The plaintiff represented by Anand and Anand submitted to the court that without prejudice to his rights and contentions, Mr. Jatin Das was willing to repair and restore the Sculpture at a reasonable honorarium provided the same is put at a decent location in the city.
- The Court was of the prima facie view that this matter could be resolved by constituting a Committee to examine the matter and suggest a fair solution.

- The order is significant as a committee comprising of the Secretary, Ministry of Culture, Central Government; Secretary, Ministry of Steel, Central Government; Mr. Rajiv Lochan, Former Director, National Gallery of Modern Art; Director General of Indian Council for Cultural Relations and Mr. Kirtiman Singh, Standing Counsel, Central Government; was constituted to look into the matter and suggest a fair solution regarding repairing and restoring the Sculpture and re-erect it.
- The Committee (Mr. Kirtiman Singh being the convener) was also empowered to visit the site or call for a video of the site. The expenses for the visit of the Committee to the site. The Committee was directed to submit its report to this Court within a period of six weeks from its first meeting, suggesting the place for the relocation of the Sculpture as well as the terms for re-assembly/re-erection.

People involved: **Pravin Anand, Dhruv Anand, Udita M Patro** and **Shamim Shahin Nooreyezdan**

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