

Arts and the Law: What must the Police know

unmute.help

Presentation by
Dr. Arshiya Sethi
for Biju Patnaik Police Training
Academy, Bhubaneswar
Thursday, 22nd September, 2022



On the occasion of the conclusion of his tenure as a Supreme Court Justice, on 12th August 2021, Justice Nariman Advised Youngsters To Do Diverse Studies : 'More You Take Things Outside Law, More It Helps You With Law'. The multifaceted Ram Janam Bhoomi case proved this to lawyers. But it holds equally true for other professions, the arts for instance

<https://www.livelaw.in/top-stories/justice-nariman-advises-youngsters-to-do-diverse-studies-more-you-take-things-outside-law-more-it-helps-you-with-law-179546>

Are the Arts and the Law in a binarized relationship?

Arts looks upon itself as more other worldly – certainly directed at a higher pursuit

Law is more this worldly – looking at mundane matters

Arts and the Law conversations- a bridge between Arts and the Law.

Reminding me of Rudyard Kipling's Ballad of the East and West...,
“...never the twain shall meet”

Oh, East is East, and West is West, and never the twain shall meet,
Till Earth and Sky stand presently at God's great Judgment Seat;
But there is neither East nor West, Border, nor Breed, nor Birth,
When two strong men stand face to face, though they come from the ends of the earth!

**Entitlements and Beyond-Privilege,
patronage, access (The “7 Khoon Maaf”
times)**



**Independent India especially the Republic of India with its strong
constitution created equal citizens and treated all its people alike-
Artistes and non artistes**

**All laws applying to any citizen applying to Artistes- IPC, Statutory,
Tax Financial, etc.**

**They have some specific laws too- Right to freedom of expression
and Copyright etc.**

The history of colonial laws used against Arts before 1947- 6 Laws:

1. Sedition Law (1870)
2. Blasphemy Law
3. The Dramatic Performance Act (1876)
4. Indian Press Act (1910)
5. Cantonment Act and Contagious Diseases Acts (1864)
6. Criminal Tribes Act (1871, 1876, 1911)

Sedition was first introduced in 1835, was legally made into a criminal offence in 1870 and used against Gokhale and Gandhi .

Although the term sedition vanished constitutionally, post independence, but it remained under IPC as Section 124A.

It has been used extensively against artistes and writers. In the picture are members of the Makkal Adhikaram (People's power) and the folk singer S. Sivadas, popularly known as Kovan. Kovan was arrested in 2015 & 2018)



Sedition later only became more dangerous as **UAPA** 45 times poet Varavara Rao was charged for his seditious poems. For a long time he was out on medical bail, but now he has been given formal bail from his UAPA confinement

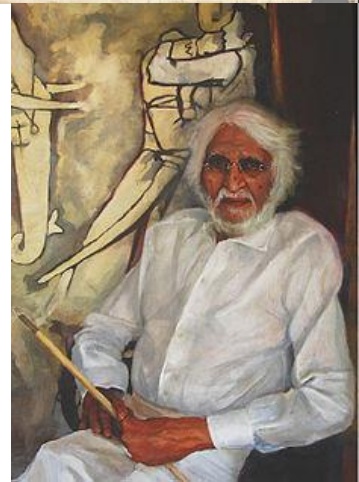
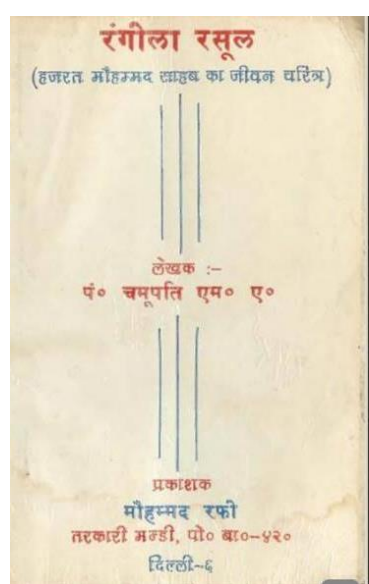
“Reflection” (A poem by Varavara Rao)

An excerpt

I did not supply the explosives
Nor ideas for that matter
It was you who trod with iron heels
Upon the anthill
And from the trampled earth
Sprouted the ideas of vengeance

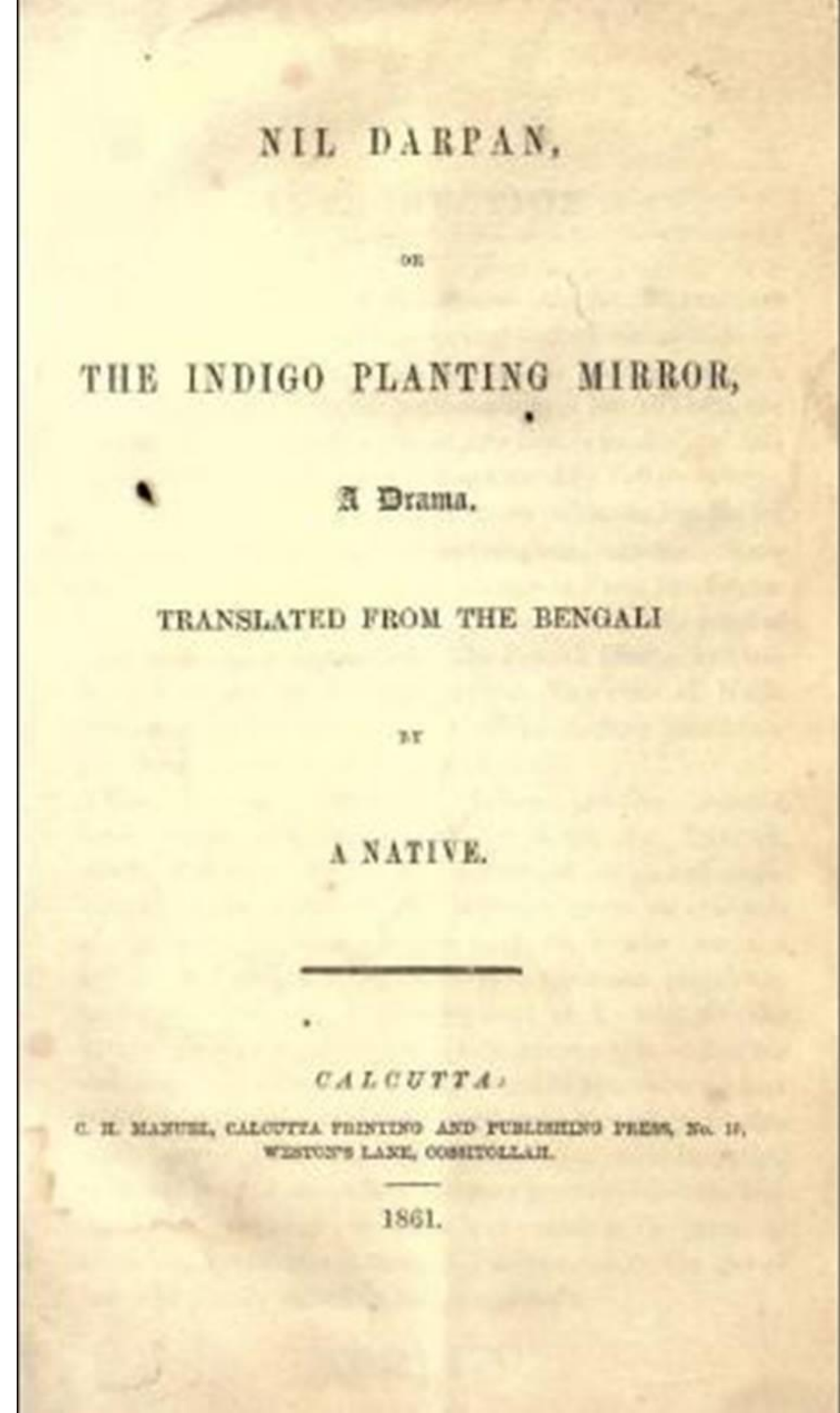


The **Blasphemy Law** was inherited from the British colonial government during Punjab's religious uprising and repeal of the Press Act in 1920, when Muslims violently protested against a publication, *Rangeela Rasool*. In more recent times it has been used for Wendy Donniger's "The Hindus: An Alternative History" (2010). The same article 295A was what was feared in the case of Audrey Trushke's book about "Aurangzeb: The Man and the Myth" and also of the ban on James Laine's book on "Shivaji: A Hindu King in Islamic India". The photographs on the left: Artist M.F. Husain who had a series of FIR's against him was hounded out of India, and died in London as a Qatari Citizen, & Perumal Murugan who wrote the Book "One Part Woman" and invited Obscenity and Blasphemy charges, that resulted in him announcing his own death on Facebook



Dramatic Performance Act (1876)

When theatre was being used as a protest site, then the British used it to ban performances. Post 1947 it has not been repealed but most states have introduced their own modified versions with certain amendments which have in fact, often strengthened the control of the administration over the theatre. The performance license that has to be acquired from the police and licensing department is the residue



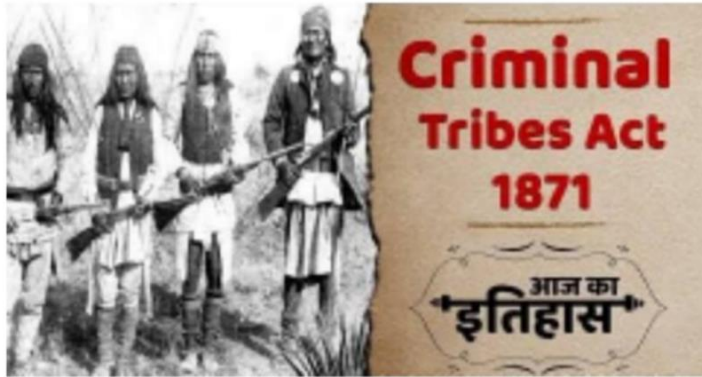
Indian Press Act

(Indian Vernacular Press Act 1878;
Indian Press Act(to include English
was passed in 1910)

Hackles were raised when this image of Durga as Mahishasuramardini – the killer of Mahisha- became a poster, printed by Raja Ravi Varma's press. In December 1911, the British colonial government invoked the Indian Press Act and all prints of the painting were forfeited. The painting was misinterpreted as an anti cow-killing representation by the anxious authorities who had been wary after the uprising of 1857. A memo from C.A. Kincaid, secretary to the Government of Bombay, said: "The Hindu Goddess called Ashtabhuja Devi is depicted riding a lion and furiously attacking two butchers, who have apparently just de-capacitated a cow...contains visible representation likely to incite acts of violence..."; The foreign gaze was probably unaware of the intricacies of the mythology in which the terrible Mahishasur was vanquished by the Goddess in his form as a buffalo.



The Criminal Tribes Act (CTA) of 1871



This is an extremely oppressive act notified certain communities as criminal tribes.

Every member of the notified community was forced to register himself/herself at the local police station.

Their movements were curtailed. They could not shift their residence at will and had to take proper permission before any travel or movement...

Severe punishments were put in place for breaking these rules.

Criminal Tribes Act- 1871

Rooted in the Mutiny, when some of the tribal leaders had a significant part.

Gypsies, Banjaras, Vanjaris, Hijras, Kanjars and other Performing communities were included

After independence this was dissolved and the tribes were formally denotified, but the stigma against them continues as they come under the Vimukt Jati title and by the fact that a new category called Habitual Offenders was introduced

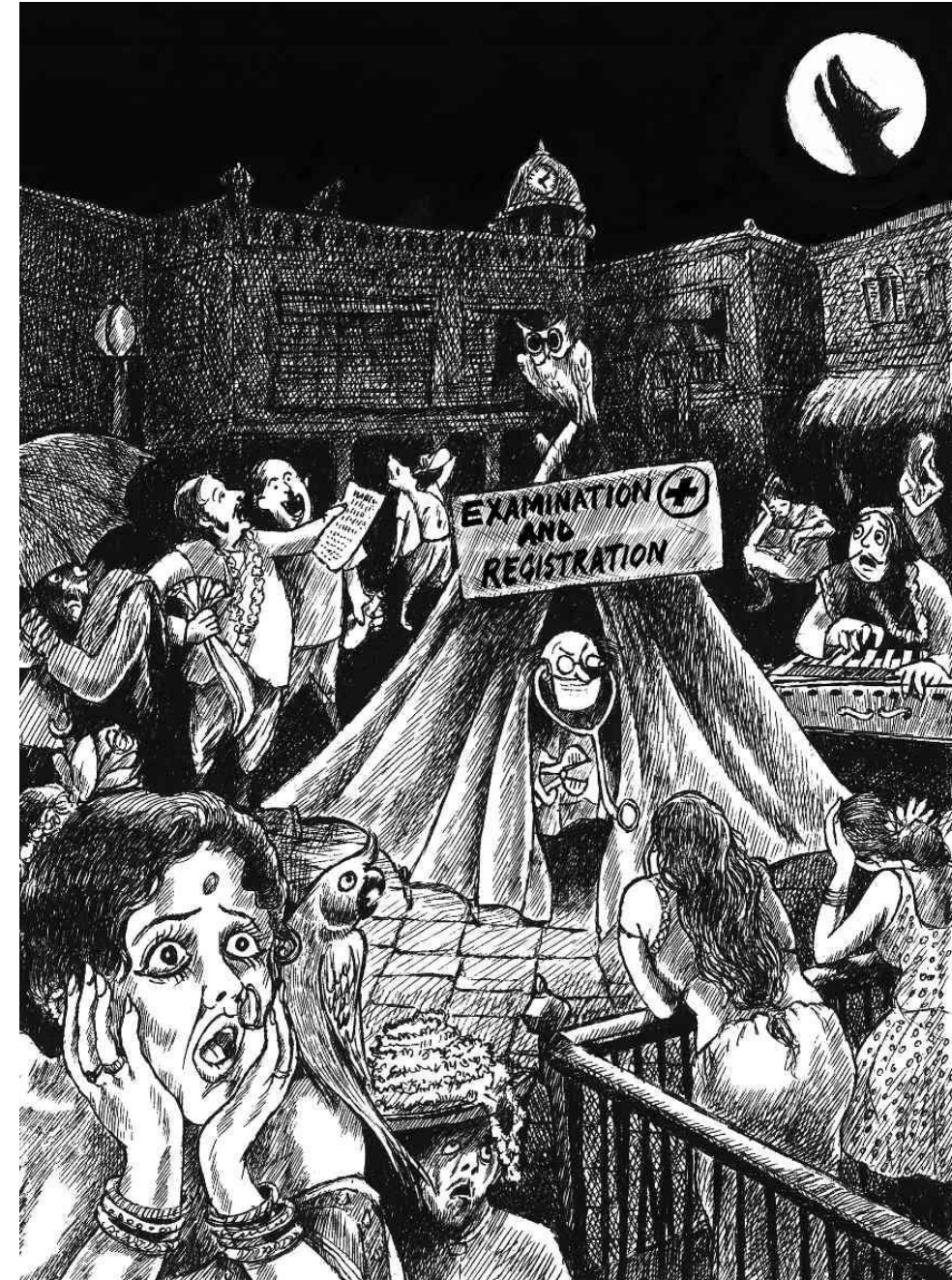
Cantonment Act & Contagious Diseases Acts (1864)

Treated all women in the public sphere as prostitutes- obfuscating the many categories of skill in performance.

Diminished traditional performers as mere criminals.

Subjected to inhuman verbal abuse interrogation and invasive, intimate physical tests.

Created a patina of stigmatization around professional singing and dancing women. Impacted the social 'sub ecosystems' they lived by, as men came into prominence and women began being invisibilized!





Madras Devadasi (Prevention of Dedication Act 1947)

On the right is Dr.
Muthulakshmi Reddy
(recipient of the
Padma Bhushan) the
one who proposed
the Devadasi
Abolition Bill in 1930





M.S Subbalakshmi

Photo: Avinash Pasricha
Singer, Film Actress



Naseem Bano

Image: wikicommons
Film Actress



Jaddan Bai

Image: wikicommons
Film Actress and Film Maker

Kalakshetra, Chennai, founded in 1936 is an example of institutionalizing dance



Registration

Building permission

Passing the plan

Completion certificate

Lift clearances

HR laws

Financial Compliances

Audited Accounts

But....

POSH Affidavits?

Imagine a dance class room and the rights of artistes and arts leaders:

1. Guru Shishya Parampara- Unquestioning & blind surrender; Abuse of power (Harassment and Sexual Harassment) emerges from this & the whimsical pathways for progress in the field. Power is the probem. Guru is not the only person with power-Bureaucrats, Critics, patrons, organizers etc. are often the other predators.

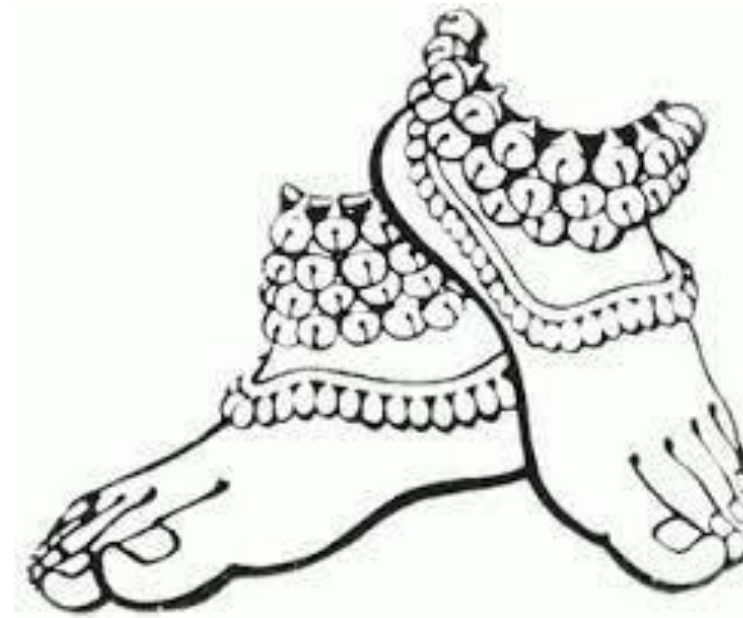
Enablers? Those complicit by their silence?

Ethical dilemmas & dichotomies prevail!

Victim blaming andshaming is commonplace.

POSH & other Compliances in place?

Seldom. A significant governance failure!



POCSO not POSCO; No it does not rhyme with Cosco!

Not knowing the law is no excuse

Harassment and self harm/ suicide.

Making a girl child dancer disappear and asking the question “Is it a life sentence that is served on the Boy dancer”?

Why POSH?

What are POSH compliances?

Catch them young...but what happens in a
POCSO Case?

When does one register an FIR?

#MeTOO
Chennai
2017 with the
Madras Music
Academy's
action
against its then
Secretary



Dancer, Actor, Scholar,
Activist

Dr. Swarnamalya Ganesh
initiated awareness and
resolution efforts via the
NGO 'Ek Potli Ret'.

Picture taken from
Swarnamalya's Twitter handle



Sanjukta Wagh, Dancer, Actor & Activist Co Founder- Beej Collective



Neela Bhagwat- Musician, actress and once a Kathak dancer

(Picture: Wikipedia)



Gundecha Brothers: Late Ramakant (L), Umakant (C) & Akhilesh (R) – Picture from BBC News story





ARTS & THE LAW



What they don't teach in art class

We invite you to join 5 part webinar series on Arts & the Law. The first of these is as

ABUSE OF POWER: SEXUAL HARASSMENT IN THE ARTS

Moderated by Dr. Arshiya Sethi



13th October, 2020

Timings : 7 pm - 8.15 pm

Dr. Ananya Chaterjea [Discussant]
Founder, Dancer & Choreographer,
Ananya Dance Theatre



Mihira Sood [Speaker]
Advocate, Supreme Court, Lawyer
working on gender issues

RSVP - 8130278747, artandthelaw@gmail.com

Arts and the Law
series of 5 Public
Conversations- A
First such effort

Worked with Asiya Sherwani (Diversity & Gender Inclusion Consultant) to create a special training module for Sexual Harassment in the Arts and held our first training, secretly with 40 Gurus called GASH- Gurus Against Sexual Harassment



The allegation against the then Pakhawaj Guru Upadhyaye at the Kathak Kendra happened on 15th Dec, 2020





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kri foundation and beej garage

present

UNMUTE: breaking the culture of silence

Ethical and legal conversations on patriarchy, misogyny and sexual harassment in art pedagogy and practice.

A workshop for students and practitioners of the performing arts with diversity and inclusion advisor **ASIYA SHERVANI**

January 15, 2021
4pm, IST

To register write to us at beejmumbai@gmail.com

UNMUTE

AN OPEN TABLE
HOW TO TALK ABOUT SEXUAL
HARASSMENT IN THE PERFORMING ARTS

OUR SPEAKERS:



ARSHIYA SETHI,
DANCE SCHOLAR,
ACTIVIST AND
FOUNDER &
MANAGING
TRUSTEE, KRI
FOUNDATION



TITAS DUTTA,
THEATRE
PRACTITIONER
AND ARTS
MANAGER,
FOUNDER-
MEMBER SAMUHO



PARAMITA SAHA,
PERFORMER, CURATOR
AND ARTS MANAGER



ASIYA SHERVANI, A
DIVERSITY,
INCLUSION AND
INTERPERSONAL
ETHICS ADVISOR



PRIYADARSHINI
GHOSH, DANCER,
CHOREOGRAPHER,
DANCE SCHOLAR,
CO DIRECTOR,
NATYANOVA



SAMEERA IVENGAR,
CULTURAL INNOVATOR
AND THEATRE
STORYTELLER



RANJANA DAVE,
INDEPENDENT
DANCE
PRACTITIONER,
WRITER AND
PROGRAMMES
DIRECTOR AT CATI
DANCE FORUM.



SOMABHA
BANDOPADHYAYA IS A
TRAINED CLASSICAL
DANCER AND LEGAL
SCHOLAR



SANJUKTA WAGH,
KATHAK AND
DANCE THEATRE
PRACTITIONER,
EDUCATOR,
COFOUNDER BEEJ



SWARNAMALYA GANESH
FILM AND DANCE
ARTISTE, PROFESSOR
DIRECTOR RANCA
MANDIRA ACADEMY OF
WORLD DANCE

FEB 12, 6 PM

At Offbeat CCU & on Zoom

OFFBEAT
ccu

IN COLLABORATION WITH



SCHOOL OF MEDIA,
COMMUNICATION AND CULTURE,
JADAVPUR UNIVERSITY

PRESENTS

UNMUTE

HOW TO TALK ABOUT SEXUAL
HARASSMENT IN THE PERFORMING ARTS
AN OPEN TABLE

FEB 12, 6 PM

At Offbeat CCU and on Zoom

Register on the link.

Prior registration required for online and
physical attendance.

OFFBEAT
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FRIDAY REVIEW

www.thehindu.com/FridayReview

READ INSIDE An all-Tamil concert P2 | The Malhar Gharana's sarod connect P3 | Cham — The dance of the Lamas P4

Arts, culture and the rule of law

An initiative called 'Unmute' hopes to address issues of sexual harassment, copyright, contracts, censorship and more in the world of performing arts



SHRINKHA SAHAJ

For most performing artists, legal concerns remain a mystery ground that they are often unwilling to tread. It may be difficult to wrap one's head around the nuances of drawing up contracts, claiming support for copyright violations or reaching out for help in sexual harassment complaints. Digital assets like NFTs are new concepts that haven't yet found their way into our artistic comfort zones or common vocabularies for understanding creative work. Performing arts companies in the country remain largely unorganised, with 'verbal understandings' rather than precise contracts that would uphold the rights of artists and their professional commitments to projects and institutions.

When dancer-choreographer Raka Matra relocated from India to Singapore in 2004, she found the difference quite alarming. She worked as an associate artist with The Substation for a few years before establishing her dance-theatre institute, Chowk Productions, in 2014. "It is important that we make the arts sustainable for to-

day's generation to make it a full-time profession. This means proper contracts, a monthly salary, and medical benefits for full-time artists working with a company. For dancers working on a project, hourly rates are important." This is the kind of conversation that young Indian performing artists here may find difficult to even initiate, given that they are expected to perform for free, or in lieu of getting 'a platform', or 'exposure', and healthcare is considered an individual affair.

Raka points out that while most contemporary art companies in the West work with well-charted terms and conditions, Indian companies even in Singapore mostly subscribe to the model back home where there may have administrative staff on the payroll but no arrangement for full-time performers.

"The struggles for independent artists are similar everywhere; in India there is also the traditional structure where one is bound by invisible rules. For things to change, it is important to know your rights as an artist, to speak up without fear, and address inequalities. Building community is key," she says.

Efforts at community-building

geared towards artists' rights have been sporadic and situational, and have often petered out. Addressing this gap in the performing arts, the initiative 'Unmute' seeks to be one such integrated resource on various issues around arts and the law.

Gaining traction

"It is important to create safer spaces for artists," says dance scholar and activist Anshya Sethi, who spearheaded the initiative as a series of online discussions in 2020. It expanded into workshops and panels (several in Bengal) with collaborators Paramita Saha, performer and arts manager, and Somabha Bandopadhyay, scholar and Manipuri dancer. Gradually gaining traction in the performing arts community, 'Unmute' now seeks to be a one-point portal that compiles resources on legal aspects for artists, ranging from sexual harassment, substance abuse, copyright, contracts, censorship and more.

It is unclear whether the #MeToo movement truly ever reached the classical arts in India. The patronising pat that casually slides down to the waist, the uninvited intimacy while getting a

note or move right, there are many such everyday moments that often leave artists confused about whether to look away in reverence or shame. Articulating discomfort about boundaries being crossed has not been easy, especially for young artists in a deeply hierarchical system.

In the wake of the harassment cases that stirred the classical music and dance communities in the past year, which implicated male gurus and performers from esteemed arts institutions, it was most urgent for this initiative too to prioritise the issue. "The reason we are focusing so much on issues of sexual harassment is because it can be deeply traumatising for someone who has gone through it. It is lonely and defeating, and mostly artists

do not know whom to turn to," says Sethi. To ensure that mental health is addressed, counsellors are present at most of these discussions.

However, there has been resistance from various quarters and taking up such discussions has been challenging. Sethi recalls that in one of the first training sessions people were hesitant to join. They managed to persuade 40 performer-teachers to participate, of which 39 were women. The gender skew remains, but after the training many individuals started reaching out to her for support. "People have many questions and there is lack of clarity; they ask what exactly can be construed as harassment, if they come out after many years have passed; how their careers will be impacted," she adds. "As the initiative gains momentum, challenging the power structure is important."

Abuse of power

Having been in the performing arts field for more than two decades, Paramita says, "The problem is that no one wants to address the elephant in the room, especially when it comes to abuse of power. We keep believing that

it only happens to other people, overlooking that it may be happening right where we are." Speaking about going beyond the stereotype about where these issues are likely to crop up, she says, "It's not only conservative set-ups; abuse of power happens in the most apparently radical, progressive, young and contemporary arts spaces too. But it becomes difficult to take a stand, because as a community we have not created structures to enable people to question and seek support."

In this context, Paramita believes that working with partner organisations through 'Unmute' would be key in providing training, helping institutions set up internal committees and other infrastructure to address issues pertaining to the law.

Legal lexicon

According to Somabha, performers are often unaware that there are laws that can help them — whether it is understanding the terms of a contract or copyright issues. "Most performing artists don't know the importance of contracts and get exploited," she works at the intersections of law and performing arts. A performer, she was brought up in a family of artists and her research in law at the West Bengal National University of Juridical Sciences, Kolkata (WBNUJS), give her perspective from both the ends.

She says, "There are three main problems because of which performers hesitate to approach the court — they are unaware that a law may protect them, they fear that lawyers will not understand their issues since they are not familiar with the art world, and that their reputation and career may be jeopardised."

Copyright remains a much-contested issue in the field of performing arts, especially music and dance. There are several anecdotes about yesteryear Hindustani musicians who refused to record their music and would even omit certain sections of their composition while singing in a concert for fear that it may be copied by disciples of another gharana.

Giving an example of the intricacies that make it difficult to negotiate copyright issues, Somabha says, "In theatre, it is much easier to understand the idea of copyright because the script can be protected; in music, more specific concepts of defining copyright through notes, melody, lyrics have emerged recently. But what about dance? How do you protect a choreography, how do you claim copyright for dance movements? These are finer points that need more attention."

Opening avenues for such reflection and discussion, 'Unmute' is a performer's guide, assuring performers of their rights, as well as the responsibilities that go with it. It is in tune with the need of the hour — to break the culture of silence and create more democratic structures in the performing arts.

(The resource can be accessed at <https://unmute.help/>)
The author is a Delhi-based arts researcher and writer.

Arts & The Law in Bangla



PRESENT

ARTS & THE LAW

WHAT THEY DO NOT TEACH YOU AT ART OR LAW SCHOOL

SESSION 6: ARTS & THE RIGHTS OF ARTISTS LIVING WITH DISABILITY AND TRAUMA

AUG 7, 2021. 6 PM



DIPA DUBE,
PROFESSOR, RAJIV GANDHI
SCHOOL OF IP LAW,
IIT KHARAGPUR.



INDRAJEET DEY
ADVOCATE
HIGH COURT
CALCUTTA



SHALINI NEWBIGGING
SPECIALIST- REHABILITATION
AND SOCIAL SERVICES
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ADITI BANDOPADHYAY
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FOUNDER-DIRECTOR
KOLKATA SANVED



SOMABHA BANDOPADHAY,
CLASSICAL DANCER &
LEGAL SCHOLAR

INTRODUCTION BY DR ARSHIYA SETHI, DANCE SCHOLAR, ACTIVIST AND
FOUNDER & MANAGING TRUSTEE, KRI FOUNDATION

[Register free on the link.](#)

On Zoom



নিবেদন

শিল্প এবং আইন

যা আপনাকে আইন সংস্থা বা কলাকেন্দ্রে শেখায় না

বিষয় ৬: শিল্প এবং প্রতিবন্ধকতা ও মানসিক
আঘাতপ্রাপ্ত শিল্পীর অধিকার



সোহিনি চক্রবর্তী
প্রতিষ্ঠাতা
কলকাতা সংবেদ



সোমভা বন্দ্যোপাধ্যায়
ক্রাসিকাল নৃত্যশিল্পী
আইন বিশেষজ্ঞ



দীপা দুবে
অধ্যাপক, রাজীব গান্ধী
স্কুল অফ আইপি ল,
আই আই টি খড়গপুর



ইন্দ্রজিৎ দে
আইনজীবী,
হাইকোর্ট,
কলকাতা



শালিনী নিউবিগিং
বিশেষজ্ঞ- রিহাবিলিটেশন
অ্যান্ড সোশ্যাল সার্ভিসেস
ইন্টারন্যাশনাল জাস্টিস মিশন



অদিতি বন্দ্যোপাধ্যায়
প্রতিষ্ঠাতা
সাম্য ফাউন্ডেশন

ভূমিকা : ডঃ আর্শিয়া শেঠি, নৃত্য বিশেষজ্ঞ, প্রতিষ্ঠাতা ও ট্রাস্টি,
ক্ ফাউন্ডেশন

নথিভুক্ত করুন বিনামূল্যে শুধুমাত্র zoom এ

unmute.help



A black and white portrait of Dr. Arshiya Sethi, a woman with dark hair pulled back, wearing a dark, patterned garment. She is looking slightly to the right of the camera with a neutral expression.

A conversation with

Dr Arshiya Sethi

Dance Scholar & Activist

in the backdrop of [Unmute.help](#)

(a performer's guide to speaking up)

TIME TO UNMUTE

August 20 (Friday), 9pm (IST)

Live on Instagram @aalaap_concepts

ālaap

We also have a column called “Unmute” in Narthaki, the largest portal on Indian dance in the world.

Other related issues - both Inside and Outside Classrooms

1. Copyright
2. Plagiarism
3. Unethical practices
4. Non legal travesties- body shaming, indecent proposals, personal comments....
5. Digital travesties (with this are involved questions of boderlessness and jurisdiction confusions)

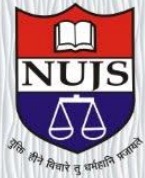
Rights of Special Communities in the Arts

1. Children Artistes- POCSO, International Conventions
2. LGBTQIA compliances (No discrimination, Bathrooms)& Sexual Orientation and Gender Identity (SOGI) ideals
3. Artistes living with Disabilities (and Traumas)
4. Street Artistes- Beggary Act- Also a Residue of the Criminal Tribes Act



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in collaboration with



**THE WEST BENGAL NATIONAL
UNIVERSITY OF JURIDICAL SCIENCES**

CENTRE FOR LAW AND TECHNOLOGY

&

CENTRE FOR LAW, LITERATURE AND POPULAR CULTURE

P R E S E N T S

ARTS & THE LAW

**WORKSHOP FOR PERFORMING ARTISTS
ON
COPYRIGHT LAW AND ANCILLARY LAWS**

on 30th April 2022, 3:00pm onwards
at WBNUJS Campus, Salt Lake

Supported by



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IN COLLABORATION WITH



PRESENT

ARTS & THE LAW

**WORKSHOP FOR PERFORMING ARTISTS ON
COPYRIGHT LAW AND ANCILLARY LAWS**

DATE: 30TH APRIL 2022

TIME: 03:00 PM ONWARDS

VENUE: NUJS CAMPUS

UNMUTE.HELP-A PERFORMER'S GUIDE TO
SPEAKING UP – LAWS, RIGHTS,
RESOURCES, NETWORKS

THE WEST BENGAL NATIONAL UNIVERSITY
OF JURIDICAL SCIENCES, KOLKATA

CENTRE FOR LAW AND TECHNOLOGY &

CENTRE FOR LAW, LITERATURE AND
POPULAR CULTURE

**WORKSHOP IS FREE AND
OPEN TO ALL PERFORMERS**

Supported by:



What I want to discuss particularly with the Odisha Police.

“In every decade since the 1950s, the number of idols smuggled out of India is between 10,000 and 20,000, and the looting continues to this day. According to the National Crime Records Bureau, more than 15,000 items were stolen from Indian temples between 2010 and 2012.”

Odisha has a very high number of idol thefts. While the police claims that they solve all the cases, but INTACH tells a different story!



Anil Dhir, another member of Intach and a well-known historian, said: “Hundreds of antique idols have been stolen from different temples, particularly from the ancient Prachi river valley that comes under Puri, Khurda and Cuttack districts. We have filed nearly 50 FIRs. But only a single antique idol has been recovered. (From the Telegraph of 17th March 2022.

What we need to realise:

Often out of state Gang

Local's involved

International "Supari"

Need to recognise that this is a sophisticated crime, at par with cyber crime, drugs trade, human trafficking and wildlife crime

Specialised learning required- Knowledge of antiquities

New York Based Arts Dealer: Subhash Kapoor, “one of the most prolific commodities smugglers in the world.”



Why is Tamil Nadu Police successful?

Use of Banned products in a performance: Santee Smith (Canada)

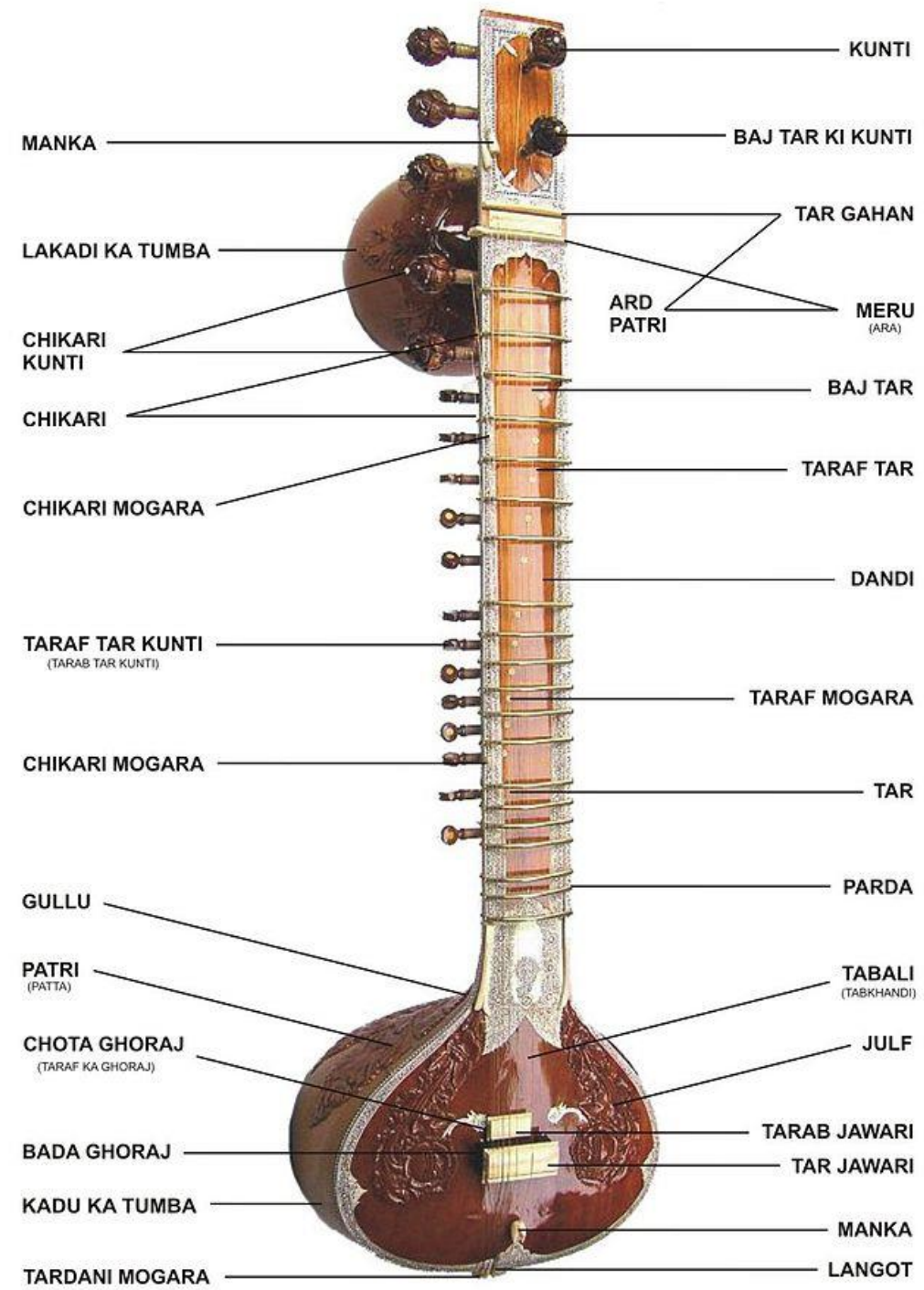


The problem exists in India too!



Sujit

Sitar's Jawaris (the bridge of a sitar) -
 Once Cow bone,
 Deer Antler; Now
 Camel Bone and the
 artificial polymer
 Delrin





Old
Veenas
decorated
with ivory

Thank you

Visit <https://unmute.help>

A performers guide to speaking up!

Know your rights and responsibilities as an artist and arts leader

Stand up! Speak up! Unmute

You can contact me on arshiyasethi@gmail.com

+91-8130278747 (Watsapp)

Copyright comes under Intellectual Property Right (IPR). These are legal rights (rights which exist under the rules of legal systems, that can be fought for in court, is available to all people, and is also available against the state) -They **protect creations** resulting from intellectual activity in the industrial, scientific, literary or **artistic** fields.

IP is the foundation for:

1. Job creation
2. Income Generation
3. Economic Growth

“We’re artists. So we are not responsible for legislative shifts,” says Ananya Chatterjea, Dance scholar, Professor, choreographer, Educator, dancer and change maker.

“That’s not what we do. Our work is in opening the ground, creating a space for questions, for provoking discussion, and for offering images that then resonate in people’s minds.”.

But for good work to be created, we need ethical and nurturing spaces. That is why we need closer conversations between Arts and the Law

The most common IPRs include patents, **copyright, trade marks** and trade secrets.

Copyright: This is a legal term used to describe the rights that creators have over their literary and artistic works.

Trade Marks: A trademark can be any word, phrase, symbol, design, or a combination of these things that identifies your goods or services. It's how customers recognize you in the marketplace and distinguish you from your competitors.

Plagiarism: Is about copying a writing or an idea, and is more of a moral and an ethical issue, and will not always be illegal in the eyes of the law. Criminal action can be taken by the author whose copyright has been infringed.

Piracy: The illegal copying of books, video, tapes, etc. Piracy is the equivalent of theft and is, therefore, a crime.



Application Number	147
Geographical Indications	Sanganeri Hand Block Print
Status	Registered
Applicant Name	Calico Printers Cooperative Society Ltd
Applicant Address	Main Road, Sanganer, Pin Code - 302029, District. Jaipur, Rajasthan
Date of Filing	02/12/2008
Class	24 & 25
Goods	Handicraft
Geographical Area	Rajasthan
Priority Country	India
Journal Number	30
Availability Date	16/09/2009
Certificate Number	119
Certificate Date	19/03/2009
Registration Valid Upto	01/12/2028

GI can be renewed from time to time for a period of ten years at a time

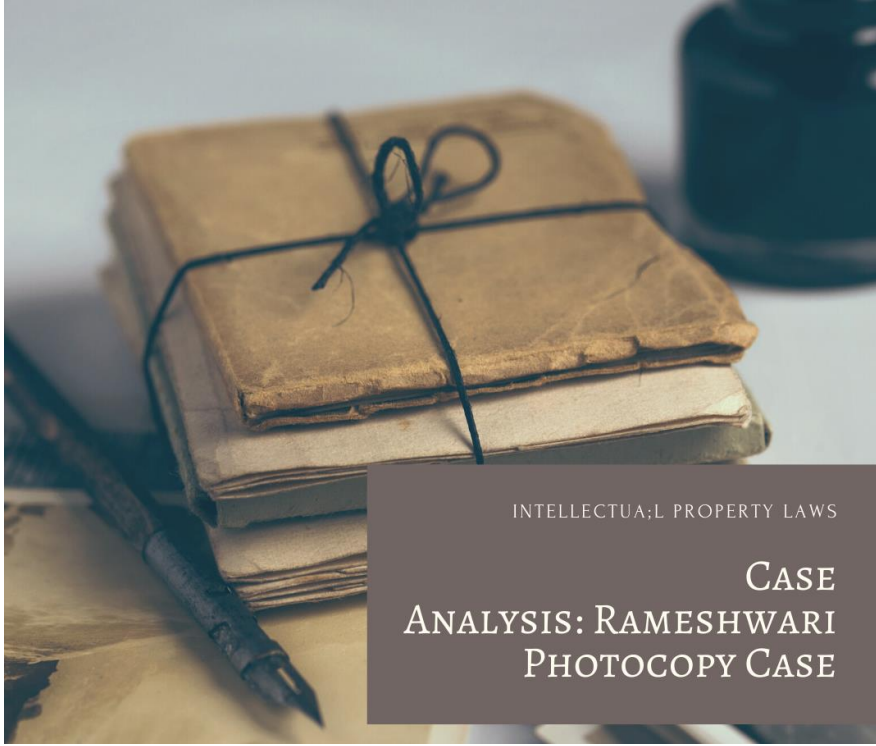
“Have the artisan communities that have the proprietary rights to these designs been credited or compensated in any way? In the case of some of the designs used in ‘Wanderlust’, the Sanganeri print artisans have a Geographical Indication registration.”

1. Infringement of GI
2. Lack of Credit
3. Failed in Benefit sharing

****We may not know the exact value but we know that there is value since we feel the need to copy.***

The Delhi University Photo Copy case

This really became a case of Piracy- Using but not with permission and denying profit to publisher and author.



INTELLECTUAL PROPERTY LAWS
CASE
ANALYSIS: RAMESHWARI
PHOTOCOPY CASE

But we do have a **Fair use/ Fair dealing** clause in the Indian Copyright Act (Clause 52 (i)) that allows for no copyright infringement in case of teaching



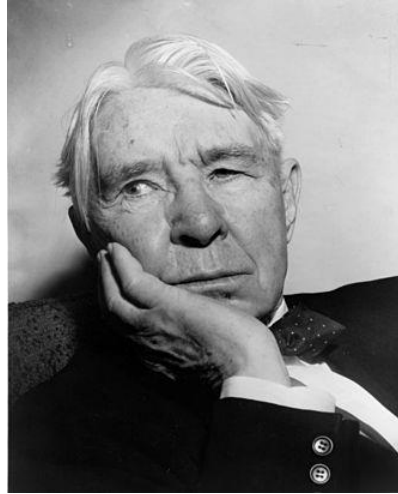
Plagiarism: Plagiarism is presenting someone else's work or ideas as your own, with or without their consent, by incorporating it into your work without full acknowledgement.

All published and unpublished material, whether in manuscript, printed or electronic form, is covered under this definition. Universities take it very seriously. In fact all PhD's are put through a plagiarism software

Section 57 of the 'Indian Copyright Act' allows the author an exclusive right. It offers the author protection against any unauthorized use of his work, including plagiarism. Section 63 of the act considers copyright infringement as a criminal offense. The punishment may include imprisonment for 6 months to 3 years

Plagiarism Controversy

Sandburg's "Grass" and Pash's "Gha"



Grass

BY [CARL SANDBURG](#)

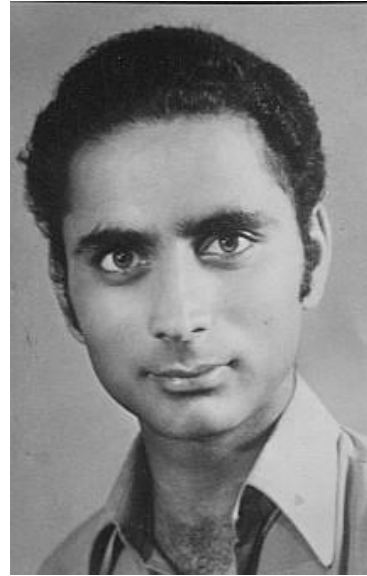
Pile the bodies high at Austerlitz and Waterloo.
Shovel them under and let me work—

I am the grass; I cover all.

And pile them high at Gettysburg
And pile them high at Ypres and Verdun.
Shovel them under and let me work.

Two years, ten years, and passengers ask the conductor:

What place is this?
Where are we now?
I am the grass.
Let me work.



मैं घास हूँ
मैं आपके हर किए-धरे पर उग आऊँगा

बम फेंक दो चाहे विश्वविद्यालय पर
बना दो होस्टल को मलबे का ढेर
सुहागा फिरा दो भले ही हमारी झोपड़ियों पर

मेरा क्या करोगे
मैं तो घास हूँ हर चीज़ पर उग आऊँगा

बंगे को ढेर कर दो
संगरूर मिटा डालो
धूल में मिला दो लुधियाना ज़िला
मैरी हरियाली अपना काम करेगी...
दो साल... दस साल बाद
सवारियाँ फिर किसी कंडक्टर से पूछेंगी
यह कौन-सी जगह है
मुझे बरनाला उतार देना
जहाँ हरे घास का जंगल है

मैं घास हूँ, मैं अपना काम करूँगा
मैं आपके हर किए-धरे पर उग आऊँगा ।

The “Jerusalema” Dance Challenge

is a dance. Those taking up the challenge perform a dance reel to the song Jerusalema, a gospel-influenced song by South African producer **Master KG** and performed by singer-songwriter **Nomcebo**.

The song was released in **2019** but the dance element began in Angola in February 2019. A dance troupe recorded themselves busting some moves to the song while eating their lunch.

A viral sensation was born... the dance challenge enacted a simple way to connect and build community: especially at a time when people were hungering for these possibilities.

Warner Music Manages the song ‘Jerusalema’.



When Warner asked certain corporations and companies who had shown their members dancing it, and uploaded it, without permissions, to pay up, there has been a social media backlash, questioning the timing of the demand, of monetizing an activity so necessary during those difficult times and the decency of doing so when people needed each other. Some suggested that it was a form of entrapment, since they were unaware that licensing models were already in place at the onset of the challenge.

When does it become unethical for copyright owners to demand a usage fee? Fair Use/ Fair dealing, an exception to the rights of a creator, allowing limited use of material without the creator's permission- eg. to foster creativity, offer solace etc.

