

Ray masterpiece caught in royalty wrangle

By Jayanta Gupta/TNN

Kolkata: Can the music of *Shatranj Ke Khilari* be sold any longer in CDs, cassettes or as ringtones, caller tunes, remixes or over the internet by Sa Re Ga Ma? Justice Soumitra Sen of Calcutta High Court will decide this on Monday. Apart from the Ray masterpiece, the music of two more films — *Rajanigandha* and *Katha* — is also caught in a legal battle between the producer/right-holders and the music company.

Soon after the production of the three films in 1977, 1974 and 1983 respectively, Sa Re Ga Ma — a music company based in Kolkata, acquired their musical rights. Under the contract, Sa Re Ga Ma was to pay royalty to M/s Devki Chitra and Vijay Rahi Productions — the producer of the films. However, according to the producer, no royalty has been received for *Rajanigandha* and *Shatranj Ke Khilari* for a long time now.

Meanwhile, the producer sold his rights of the film to Frenchman Achille Forler. Forler decided to move Delhi High Court through his advocates Praveen Anand and Nikhil Krishnamurti, seeking an injunction against Sa Re Ga Ma from exploiting the rights of *Rajanigandha* and *Shatranj Ke Khilari*. For the film *Katha*, however, he moved the Copyright Board, seeking a revocation of the copyright granted to Sa Re Ga Ma.

While Delhi High Court granted an inter-

im injunction against Sa Re Ga Ma, the matter is still pending before the Copyright Board. Sa Re Ga Ma had also moved a petition before Calcutta High Court, seeking an injunction against Forler. The music company sought a court's order against Forler — forbidding him from selling the rights of the three films to any other company or exploiting them himself.

Forler moved Calcutta High Court through advocates Pratap Chatterjee, Ranjan Bachawat and Phiroze Edulji. Advocates Sudipto Sarkar and Sanjib Banerjee represented Sa Re Ga Ma. When the matter came up for hearing before Justice Sen, he refused to grant an injunction against Forler. Sa Re Ga Ma then preferred an appeal to a division bench of Calcutta High Court. The division bench observed that Justice Sen was to consider the matter afresh.

The matter is of extreme significance as this is probably for the first time that the high court would decide on whether musicians, composers, lyricists and singers are entitled to get the assignment of copyright revoked in case of non-payment of royalty and also whether a music company can keep on exploiting the rights after the period of assignment is over.

The contracts for assignments of films for that period were of similar nature. In fact, Delhi High Court is hearing another matter regarding the music rights of the Amitabh Bachchan superhit *Don*. This matter has also been filed against Sa Re Ga Ma.



A still from *Shatranj Ke Khilari*.

According to the producer, the music company paid no royalty for the films for a long time