PREFACE

I am thankful to the Ministry of Human Resource Development (MHRD), Government of India, for providing a scholarship for pursuing a PhD course of study on any topic of Intellectual Property Rights (IPR) at the School of Legal Studies, Cochin University of Science and Technology (CUSAT). I became eligible for the PhD course of research study in IPR after fulfilling the eligibility criteria as I had accomplished my LL.M Degree from the CUSAT with a first class with specialization in Constitutional Law and Commercial Law which included Intellectual Property Rights and I had also qualified for the UGC –NET in the year 2000. I passed the entrance and the subsequent interview for the PhD research in 2001. I chose the topic of ‘Performer’s Rights in India - A Study with Special Reference to the Audiovisual Industry’ after giving much thought to several topics in the realm of Intellectual Property Law that I considered. Finally after much study, thought and deliberation about the pros and cons of endeavoring on this area of research, I submitted a synopsis for submission and registration to the CUSAT. This was despite forewarnings about the perils of indulging on an unexplored area of study particularly related to Intellectual Property Rights where angels feared to tread. But as destiny and my acumen beckoned, no mortal can deny its will and I decided to do as it bid me to.

However, the perils of the subject matter were lighter in the face of the perils of life as during the course of the PhD study I had to overcome vicissitudes on the personal front - a near debilitating accident left me completely immobile and confined to the bed for nearly five months. With recuperation being a painful transition, being on two feet did not mean being comfortably mobile but despite this I focused and renewed my research and began to execute all my travel schedules. The major segment of the Indian audio-visual industry lay strewn between three states – Kerala, Tamilnadu and the Maharashtra (the Western sphere) Bollywood and therefore inevitably travel to these centers became unavoidable. I must express my gratitude to the several personalities whom I met for the purpose of research and who reciprocated with utmost warmth, humane compassion and enthusiasm to answer my queries particularly on an area they had infrequently thrown their thoughts on.
During the course of my research I have had the occasion to visit around thirty-six (36) institutions in order to collect information and refer material relevant to the topic of my research. The institutions that I visited included Kerala State Chalachitra Academy, Trivandrum, Center for Development Studies, Trivandrum, C-DIT, Trivandrum, Indira Gandhi Center for Performing Arts, Bombay, University of Bombay, Library, National Film Archive of India, Ministry of Information & Broadcasting, Pune, Film and Television Institute, Chennai, Roja Muthiah Memorial Library, Chennai, Malayalam Chalachitra Parishad, Chennai, American Center Library, Chennai, Federation of Indian Chamber of Commerce & Industry (FICCI), N. Delhi, Indian Law Institute, N. Delhi, National School of Drama, Delhi, British Council Library, Delhi, Indian Council of Research in International Economic Relations (ICRIER), New Delhi, South Indian Film Chamber of Commerce, Chennai, South Indian Film Artistes Association, Chennai, Film Employees Federation of South India (FEFSI), Chennai, Cine Musicians Union, Chennai, Kerala Film Chamber of Commerce, Ernakulam, Association of Malayalam Movie Artists (AMMA), Trivandrum, Malayalam Cine Technicians Association (MACTA), Ernakulam, Association of Voice Artists (AVA), Mumbai, All India Film Employees Confederation (AIFEC), Mumbai, Cine Dancers Association, Mumbai, Cine Singers Association, Mumbai, Cine Musicians Association, Mumbai, Junior Artists Association, Mumbai, Movie Stunt Artistes Association, Mumbai, Indian Film Directors Association, Mumbai, Cine and Television Artists Association, Mumbai, Sangeeth Natak Academy, N. Delhi, Indian Performing Rights Society (IPRS), Mumbai, Indira Gandhi National Center for Arts, New Delhi, American Institute of Indian Studies, Archives Research Center for Ethnomusicology, Gurgaon, Haryana.

I am immensely grateful to several personalities who gave me their time and information that was from a reservoir of experience over several decades in the audiovisual industry. The respected names (for the whole list of personalities interviewed and contacted, see List of Personalities and Institutions Visited, p. XXXVI) include Sri T.E. Vasudevan, Veteran Film maker – Producer, who headed several organizations and welfare activities in the film industry, who coincidentally was the first to be interviewed by me. I am grateful to him for the useful discussions with him, which gave me a comprehensive understanding of the film industry – a holistic perspective. I should mention the initial encouragement from...
Srimathi Dr. Uma J. Nair, a senior academic in Economics who as a fine gesture sent me her published work on Economic Aspects of Film Industry in Kerala. She also happens to be the daughter of yester year superstar, director, producer and actor Sri Madhu. Sri Madhu himself gave me three hours of his time for answering all the questions during the interview. Sri Devananad, whose name still is synonymous with the flavor of Indian cinema, was generous with his time in the midst of the work on his forthcoming film. I perhaps could have the distinction of informing him that a case law in his name occupies much of the attention in Intellectual Property Law (he was oblivious of something reported called Fortune Films v. Devanand, A.I.R. 1978 Bom. 17 though he remembered the litigation).

My respects to the soul of Late Srimathi P. Leela whom I interviewed in Chennai and whose life is the very example of the sacrifices that an artist has to overcome in professional and personal life. Sri Jos Prakash, Sri Selvaraj, Sri Himanshu Bhatt, Rajeev Menon (CINTAA), Shivlal Suvarna, Jaisheel Suvarna, Vishnu Sharma and others at AVA (Association of Voice Artists), Rashid Mehta, Sri Sambathan and other officials at the various unions and other offices. I must specially mention Sri Haripad Soman, Sri Viswas Nkjarackal, Sri Shibu S. Kottaram & Sri Louis Mathew (Kerala State Chalachithra Academy). I must thank all the staff at all the offices who were gracious with their hospitality. I must particularly mention Sri V.K. Ravikumar (CEO Cera Chem Pvt Limited, Chennai), Sri C.P. Surendran (Resident Editor, Times of India, Pune), Smt. Prabha Narayana Pillai (W/O late M.P. Narayana Pillai, author & columnist, Mumbai) who provided me accommodation at these places respectively during the course of my research.

I am thankful to Dr. N.S. Gopalakrishnan for having been my guide for a considerable period. The depositary of Intellectual Property Rights materials set up by the MHRD at the School of Legal Studies was of immense help as it exposed me to the finest commentaries in the realm of Intellectual Property Law. I am extremely grateful to Dr. G. Sadasivan Nair for taking over as my research guide and encouraging me with persistence and patience. I should in particular mention Dr. A.M. Varkey, Dr. V.S. Sebastian, Dr. Valsamma Paul, Dr. P. LeelaKrishnan and Dr. D. Rajeev who with their enquiries about the state of my work and well-being, always kept up my spirit. I am thankful to Dr. K. N.
Chandrasekharan Pillai who always wanted me to focus on the research and complete my work at the earliest.

I am indeed grateful to my mother, my sister and near relatives for having been beside me and nursed me during a time when I was unable to budge from my bed to attend to anything to keep me going. Finally despite adversities on several fronts if I have finished this work, it is solely because of the spirit of rational enquiry, fortitude, integrity and a sense of aesthetics sown in me by my uncle late Sri C.P. Ramachandran and my father late Sri C.P. Sreedharan as I grew up. This thesis is a step towards what they always used to remind me about what the purpose of life should be - to make the world a better place for future generations.

I have devotedly researched and authored this thesis and I have also rendered the entire task of typesetting my manuscript into the computer. I hope that this thesis will make a difference to the life of the performer in the future.

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