

ART MART

Mafatlal fake paintings accused exonerated

Crime Branch report seeks Mafatlal's prosecution; case points to a murky underworld of fake artworks

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MUMBAI

At a press conference held in Mumbai on Thursday, Areef Patel, Yasmin M.Y. and Farukh Wadia expressed relief on being exonerated in a three-year-old case in which they were accused of faking works of art that belonged to socialite Sheetal Mafatlal.

Patel, executive vice-chairman of House of Patels, which is the parent company of transportation and logistics firm Patel Integrated Logistics Ltd is a friend of Mafatlal and helped her store 31 artworks in 2011. These pieces, which included works like *The Goat* by Manjit Bawa, and pieces by M.F. Husain, S.H. Raza and F.N. Souza, were removed from the Mafatlal mansion by the socialite who is married to Atulya Mafatlal.

Marushka Mafatlal, Atulya's daughter from his first marriage, lodged a police complaint that

her stepmother had taken the paintings without her father's consent. According to Patel, there is proof that four of these paintings had been purchased by the firms Mafatlal Dyes and Chemicals Ltd and Mangalya Trading and Investments Ltd.

In November 2012, Sheetal Mafatlal filed a police complaint accusing Patel, Wadia, an employee of Patel's, and Yasmin, a friend in whose Bandra house these 31 paintings were stored for a few months, of replacing the originals with fakes. In January 2014, however, the crime branch discovered 44 paintings, including those mentioned in the complaint, in a house in Princess Street in south Mumbai, which is used as an office by Mafatlal. On 22 August, the Crime Branch filed a report in a metropolitan court giving a clean chit to Patel, Wadia and Yasmin.

Vikram Bawa, a photographer, took photographs of the artworks, which the socialite allegedly stored in Yasmin's home as fakes. The report has sought Mafatlal's prosecution under section 182 of the Indian Penal Code for registering a false complaint with malicious intent, which is punishable by up to six months imprisonment. This case brings to light the



Sigh of relief: (from left) Areef Patel, Yasmin M.Y. and Farukh Wadia during a press conference in Mumbai on Thursday.

murky underworld of fake works of art, a problem that besets the Indian art market. In June, works by Rabindranath Tagore, Nandalal Bose and Raza came under a cloud of suspicion during an auction by Bangalore-based auction house Bid and Hammer. An art researcher claimed that a work that was put up for auction was fake.

According to artist Sharmistha Ray, who runs the blog *Politics of Art* with curator Anupa Mehta, and writes about issues that concern the Indian art industry, the fake art market is probably gaining on the market of authentic works of art because of sheer lack of regulation. "While there

are no figures available, it can be estimated that the Indian art market is anywhere in the region of ₹500-1,000 crore, and the fake market could be as much as 30% of that," Ray said.

In a recent blog post, she wrote of a 2010 incident where she was approached by a Delhi-based dealer to sell a painting by Husain, which turned out to be a fake. The seller possessed two authentication certificates, which also turned out to be forgeries, said Ray. "Allegedly, the seller had bought the work directly from Husain in 2002, the year he painted it, and had it authenticated by the artist in 2004," she wrote. However, after inves-

tigation it was revealed that the work was sold by a major auction house a few years after the purchase, thus "setting up the first major contradiction in provenance".

There are no established government regulations for providing authenticity certificates, said Mallika Advani, auctioneer for Pundole's auction house. "It is the responsibility of dealers, gallerists and auction houses to ensure that the works we sell are authentic," she said. "The people who create copies are quite savvy with painting techniques. It is a common tactic to use old canvases and yellowed paper when creating copies of older works. While chemical tests are one part of due diligence, they cannot be used in isolation. It is critical to try and establish a history of the work from the time it was painted to the present owner, which gives us its provenance. Unfortunately, certificates of authenticity and signatures of artists are not very helpful, as these are the easiest things to copy," she said. "In fact, certificates of authenticity and signatures of artists are the last things we rely on. You have to trust your own instinct."

Most auction houses would withdraw paintings if a doubt has been raised about their au-

thenticity. In March 2006, international auctioneer Christie's withdrew six artworks by Souza, Husain and Ganesh Pyne from an auction in New York on the day of the sale.

"The fake artworks market is an organic byproduct of the emerging art market," Deepanjana Klein, international head of modern and contemporary Indian art at Christie's, said over phone. "In the West, usually such works are destroyed." The international auction house has a strict mechanism to confirm the provenance of the work of art, which includes tracking its exhibition labels, dates of publication, and getting in touch with dealers and gallerists associated with the artist.

"In the absence of regulatory bodies and professional authenticators, what's the need of the hour are people of stature in the art world to speak out if they think a painting is fake, and challenge the seller to prove him wrong," said Arvind Vijaymohan, lead adviser at Art Ventures India, an art research firm and advisory that guides investment by wealthy individuals in this domain. "Unless individual collectors and galleries and experts speak up, the fake art market will thrive."