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Artists who will create fakes are everywhere, and so are dealers. Along Mutton Street in Mumbai, tiny shops sell replicas of Husain and Gujral. WhatsApp a picture to them, and a copy could be yours in two weeks for a couple of thousands

Fake encounter

A week after a Bangalore auction house was accused of selling fakes, the artist community grapples with the challenge of protecting originality



Experts suggest that an artist's effort to document his/her works deters attempts to forge. Jehangir Sabavala's style of painting and meticulous documentation doesn't make him a favourite with fraudsters, says wife Shirin

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An untitled self portrait of MF Husain at last week's Bid & Hammer auction in Delhi was labelled a fake by his family

It's Husain, yes, but is it a Husain? That's the question the art fraternity was asking of an awkward self portrait of the celebrated late painter, dated 1985,

that carried his trademark — absence of eye pupils — but raised many an eyebrow for misjudged anatomical proportions.

It was one of 22 Husain works that went up for sale last Friday at *Significant Indian Art* organised by Bangalore-based auction house Bid & Hammer. A day prior, the MF Husain Foundation, a trust that controls the exhibition, sale and purchase of all art created by Husain, sent the auction house a legal notice claiming the works were counterfeit, urging them to cancel the event. *Nritya*, a painting by Rabindranath Tagore joined the ranks when Kolkata art historian Susobhan Adhikary claimed the original was at Visva Bharati in Shantiniketan although Prof. Ratan Parimoo authenticated the work for Bid & Hammer. *Still Life of Fruits*, alleged veteran artist



A copy of Satish Gujral's Untitled work is ours for Rs 50,000, said a Mutton Street dealer



Late artist (above) Tyeb Mehta's son, Yusuf says that there are three copies of *Falling Figure* in the market while the original is still with a Mumbai collector

KH Ara's daughter Ruksana Pathan, was overworked while NGMA Delhi director Dr Rajeev Lochan said the original watercolour, *Woman Sitting Under a Tree* by Nandalal Bose was hanging at NGMA. When contacted, a communications representative of Bid & Hammer excused themselves from comment because the matter is "sub-judice".

Seven years ago, artist Anjolie Ela Menon had appealed to the government to intervene and help set up a regulatory body after she discovered her assistant was trading in copies of her works through a Kolkata dealer. Not much has changed.

With recognition comes a rider, say industry insiders, who place a part of the onus on the value placed on Moderns in the last decade. "The demand for fakes is massive thanks to the unfortunate obsession with Indian Modernism, and all that is attributed to it. That the value of a work soars after the artist's death is a misconception that fuels the trend," believes Mumbai curator Sumesh Sharma. A city gallerist puts it in perspective when he says India consumes more Black Label than Johnnie Walker produces; the business of art is no exception. There are twice the number of paintings Van Gogh created in his lifetime spinning in the market. "Even New York's The Metropolitan Museum of Art doesn't know which of the Rembrandts in its collection is genuine. They bought it with the right intention and now, all are being questioned," says director of Pundole Art Gallery and auction house, Dadiba Pundole.

It's a subject that saddens Delhi-based modern artist Krishen Khanna. "For as long as there has been art, there has been forgery," he says.

Artists' families will tell you that's true.

TRUTH IN THE DETAILS

Late Tyeb Mehta, once part of the noted Bombay progressive Artists' Group, passed away in 2009. His son, Yusuf recalls receiving a dealer who arrived with a copy of Mehta's iconic, *Falling Figure*, created in the early 1990s and estimated to be valued at a couple of crores. He claimed he had acquired it from a London-based collector, who had in turn bought it directly from Mehta. "From a distance, it did look like the original," Yusuf remembers. He along with his family, including mother, Sakina and sister, Himani, run The Tyeb Mehta Foundation that provides authenticity certificates to original works by the modernist painter. "But then we realised, a line somewhere and a brushstroke was off. Besides, he claimed the original was bought in the late '90s. Daddy never kept the painting for that long," he says. There was no record of payment either. Fortunately, Sakina, says Yusuf, remembered the original buyer of that particular *Falling Figure* (Mehta had made several in his lifetime), who clarified that the work was with him.

Later, the family learnt that two other versions of the same work were hanging in a Singapore home, and another in a Pakistani gallery. "Right now, there are three copies of the same painting in the market while the original is still with a Mumbai collector," Yusuf says. This may have been an "almost perfect copy" but artist families often encounter mishmashes of borrowed motifs.

Although late modernist painter Jehangir Sabavala's style of work and meticulous documentation doesn't make him a favourite with fraudsters, his wife, Shirin remembers a story from a few years ago. "A collector came to us to authenticate a work. Jehangir took one look at the building facing the bay, and said it wasn't his, although the signature was there."

Last year, after a rather successful retrospective of lesser known modernist AA Raiba at the Sir JJ School of Art, Sumesh Sharma and co-curator Zasha Colah met a young dealer who arrived with a 4x14 landscape work which he had priced at five lakh. Raiba himself might have sold a larger original for less, Sharma says. Although remarkably well-executed with torn surfaces, tea stains and created on old paper, the use of Fevicol, all bright and fresh, was a giveaway. "Most of Raiba's watercolours are distinct Bombay School wash works," says Sharma. This time, documentation also came to the rescue. When he had represented Raiba at the *India Art Festival* a few years ago, Sharma had digitised the sketchbooks Raiba maintained. "The forger had made elementary mistakes, superimposed images like an elephant carrying a king atop a roof. The moustache on a farmer didn't speak of Raibasabhab's skills. He is still very able in his 90s."

THE EVERYWHERE MARKET

This dealer, says Sharma, runs a modest shop on

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Mutton Street, and is one of many who will create a replica for a price. "Artists who create replicas are all over," says Sohail Ahmed (name changed), the owner of a shop in the same lane where we pose clients. "Par haan, original is original. Unees-bees ka farak zaroor hoga." A copy of an untitled oil on canvas by Satish Gujral created on canvas would cost us Rs 50,000 and get hand delivered within 20 days, he promised. Roshini Vadehra, director of Delhi's Vadehra Art Gallery says there is no one market that's spilling fakes. "We have seen Husain fakes coming from Hyderabad, Pakistan, Kolkata, Baroda, Bombay, even London and Dubai, so there isn't any, to my knowledge an organised set up," she says. "But if you know his work, you'll know a fake."

ARTISTS AT RISK

Husain, say experts, poses a peculiar problem. Aside from his popularity that makes him a known name even on the street, the master painter was prolific. It's estimated that there are more than 9,500 of his works in the market. "Besides, his

work that claims to be one, crops up." Over the last year, Pundole has received 30 Gaitondes of which only a handful have been genuine.

MAKE IT AUTHENTIC

Interestingly, on occasions, even laughable copies, pass the muster of galleries and auction houses, because they hold an authenticity certificate, more often than not provided by a family member of the artist or a respected history professor. In January, this paper had reported on the controversy over the authenticity of paintings by Husain and Manjit Bawa that were then pulled out of the *India Art Festival* held at Nehru Centre held between December 19 and 22. Vardhman Gallery that displayed the three works claimed they were certified by the artists' family.

Those credited to Husain were taken off after the MF Husain Foundation sent a notice to the gallery, but Sunil Gupta, director of Vardhman, insisted that they had an "opinion certificate" from Husain's son, Shamshad. The Bawa painting, too, had been authenticated by his brother, Manmohan.

Rumour has it that Manmohan has very little to do with the late artist's estate, now managed by his daughter Bhavna, who is closely working with Vadehra Art Gallery to create a repository of her father's work. "The brother on the other hand has been taking money to 'authenticate' work, copy or not," says a Mumbai art consultant.

Francis Patrick Souza, son of celebrated artist FN Souza, known for his inventive human forms, shuttles between the United States and Goa. He has heard of stories of copies of Souzas being passed off as originals. "But it's also well known that I am the only legal heir of his work," he says, aware that there are "few people claiming to be my father's illegitimate children".

To separate the wheat from the chaff, Patrick, who like the Mehtas and Sabavals, has set up a foundation in his father's name, says "we have a database of all of my father's work, as well as, one that traces the family's full ancestral links to avoid confusion." The Souza Foundation charges a fee of 6000 USD to authenticate an original work.

Sometimes, noted history professors, who are considered experts on a particular school of painting or artist, charge a fee of authentication. However, the art world finds this practice questionable. "There can't be one authority on all art. How can one person be an expert on Gaitonde, Husain, Raza, everybody?" asks Pundole. A certificate can't make a work of art that is not original, original. "The authenticity of a painting is in the work itself — how he painted, how he built that work — not in the signature," explains Pundole.

CHECK AND BALANCE

In the absence of a spot-the-fake ready reckoner, sketchy archives of late artists' works and their personal histories, gaps that allow forgery are abundant. Copies are considered legit, says Anupam Sah, head of art conservation at Mumbai's Chhatrapati Shivaji Maharaj Vastu Sangrahalaya. "It is when copies are passed off as originals that they become fakes. The question is of intent," he clarifies.

Aware that the onus lies on auction houses to prove a work's provenance, Sotheby's Worldwide Director of Sales Communications, Matthew Weigman says specialist staff "exercise discretion prior to deciding whether to accept works for sale". This is followed by research that includes physical examination of the work, checking relevant literature, exhibition history, etc. "Finally, the very publicity of the auction process, which is the most open and transparent way to sell art property, often acts as a mechanism whereby forged works as such come to the attention of a broader audience."

TRACING PROVENANCE

Relying on provenance is significant. More often than not, owners of fakes claim the work has been with their family for years or "it was gifted to them by somebody who is always dead," adds Pundole. "That's a standard story."

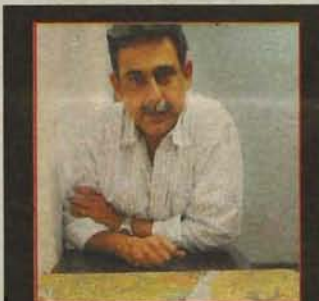
Therefore, documentation is key. "Young artists are getting prudent," says Khanna, whose gallerists are keenly working on cataloguing his works. Kolkata-based Jogen Chowdhury too has painstakingly documented his repository, while the Vadehras are helping the Raza Foundation catalogue the works of the Delhi-based veteran famous for his exploration of the bindu.

Aside of readily available documents, Vadehra says it's important to consider a suspect work for art analysis. It's a complex exercise of taking an informed decision based on objectivity, almost like forensic science. Sah advises to see the material evidence because the painting as a whole makes you forget the details. It is the components — the details (nail marks in a corner), the way the canvas is unravelling in one section, the pattern of cracks, that are giveaways. Aberrations are tell-tale. "We use techniques to understand how a certain object is degrading, and if it should be degrading that way." And so, while an art historian can offer a response to stylistic details, the material and techniques are best dealt with by conservators.

LEGAL RECOURSE

"It's a real issue," says solicitor and discerning collector Akshay Chudasama. According to the Copyright Act of 1957, the artist is the first owner of the copyright. The copyright of artistic work (it would include the whole gamut — photographs, sculpture, paintings, drawings, diagram, map, chart or plan) is valid for a period of 60 years post his death. "Infringing the artist's copyright is obviously punishable, according to both, civil and criminal law. Under the civil law, an artist can sue the infringer/anybody who abets infringement. "You can get an injunction, go to court, destroy material that's helped the infringement as well as sue for damages... there's need for criminal action. If the magistrate finds somebody guilty, the punishment could be imprisonment for six months to three years," says Chudasama.

"But we are artists," argues Khanna. "We aren't inclined to file suits. Art is a full-time vocation, we are thinking about our work all the time. Most of us would rather just bite the bullet."



The authenticity of a painting is in the work itself — how he painted, how he built that work — not in the signature.

—DADIBA PUNDOLÉ, arguing against the trend of authentication certificates

technique was very simple," says Pundole. "But he had a terrific sense of proportion and choice of colour."

Flipping through the recent Bid & Hammer catalogue, Pundole draws our attention to the 1985 self-portrait. "Even on a bad day, he wouldn't have created this," he says, adding that the handwriting — "let alone his signature" — in a note attached to a horses in acrylic on canvas dated 'Dubai, 2010' doesn't seem to be his.

"What is the purpose of this arrow here?" asks Pundole, pointing to another horse in ink and water-colour. He uses the phrase "stupidity of the fakes" to describe an attempt to pick signature motifs but not knowing where to introduce them.

Like Husain, SH Raza's famous bindus, FN Souza's nudes and, now, post the stupendous success of the Christie's auction in December 2013, VS Gaitonde's abstracts have been facing the brunt of copies. "Because there's money in Gaitonde," continues Pundole. "Every few weeks, a Gaitonde or a