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# Review Of Research



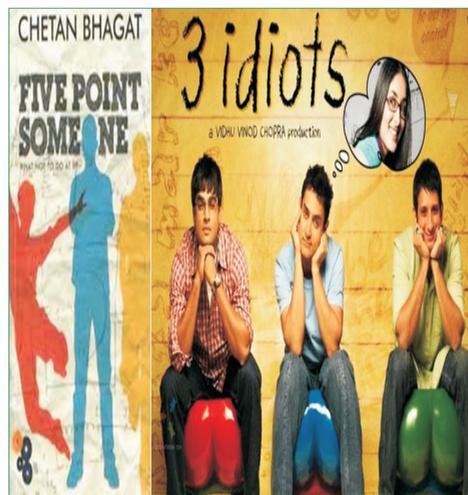
## AUTHORSHIP CONTROVERSIES ABOUT *FIVE POINT SOMEONE*

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### ABSTRACT:

Intellectual property is the most valuable property, even more valuable than money, gold or real estate property. It is the sole identity of an individual. Nowadays there are many occasions on which the rights of intellectual property need to be transferred. The best thing is to prepare an Agreement



between the owner of the intellectual property and the prospective user of the owner's intellectual property. The agreement should be fool-proof, replete with safety clauses and provision for ultimate approval of the owner till the transfer process is completed. Novels and their adaptations into film is such a transfer of intellectual

property of the author to the producer of the film. There have always been controversies whenever the novels of living authors were transformed into films as was noticed in the case of R. K. Narayan and Vijay Anand and Dev Anand, Mulk Raj Anand and the producers of the film Rahi based on his novel. One significant addition to this list is that of Chetan Bhagat, who has written six novels till this date of which four have been made into films and two more are in the underproduction stages. The authorship controversy arose at the time of the release of the film 3 Idiots based on Chetan Bhagat's novel- Five Point Someone. The present paper deals with the background, nature, the legal position and the remedial measures.

**KEY WORDS:** film, novel, 3 idiots, Five Point Someone, adaptation.

## 1) INTRODUCTION:

Film adaptations of novels are a trend which is as old as the film making itself. **Gone with the Wind**, **Dr. Zhivago** and **A Farewell to Arms** have become great classics both as novels and films. In Bollywood too, this trend is conspicuous in recent times. There was third version of Saratbabu's **Devdas** the novel as a film directed by Sanjay Leela Bhansali. **Parineeta** was transformed into a film for the second time. One of the contemporary novelists Chetan Bhagat has the distinction that of his six novels among which four have already been adapted as films and the remaining two are under production. '**3 Idiots**' is adapted from Chetan Bhagat's '**Five Point Someone**', 'Hello' from '**One Night at a Call Center**,' '**Kai Po Che**' from '**3 Mistakes of My Life**' and '**Two States**' from the novel of the same title. Raj Kumar Hirani, the film director of the famous Munnabhai series read Chetan Bhagat's novel and expressed his desire to the novelist to allow him to transform it into a film. The novelist, Chetan Bhagat agreed to this proposal and they prepared an Agreement to which Production House of Vidhu Vinod Chopra Productions was a party that signed the contract with Chetan Bhagat, the novelist. Around the time of the release of the film in 2010 after two years of production processes, Chetan Bhagat raised the issue of the breach of the understanding that had been reached between the two parties concerned- the novelist himself and the Production House that made the film based on his novel-Five Point Someone. He raised two issues- (i) the film exceeded the extent to which it was agreed to change the novel to a film and that (ii) the credit- titles made just a passing mention of the original author's name. It was by the novelist that it was agreed that the film will represent 10% portion of the novel but actually he claimed that the film is based on 70% of his novel and he also claimed that his name should have been mentioned prominently in the credit titles but that was not done in the running credit titles. It is proposed to find out the truth of these claims and the legal position in the matter by first bringing out the outline of the story of the novel-'Five Point Someone', then the survey of similarities and dissimilarities between the novel and the film, the legal position as it stands in this matter of claims and counter claims and finally the remedial solutions have been offered so as such controversies need not arise in future as many more literary works are bound to be adapted for making films in the days and years to come.

## 2) OUTLINE OF THE STORY IN BRIEF:

The Imperial College of Engineering (ICE) is a prestigious institute of Engineering headed by Dr. Viru Sahastrabuddhe. He is nicknamed 'Virus' by all the students of his college as he is a strict disciplinarian. He is so strict and rather rigid in his orthodox views that his son commits suicide as he pressurized him to take engineering career when his son desired to pursue his creative writing talents. The natural flair, the talents and the aptitude is pitted against the unnatural pressure to join professional course irrespective of the aptitude, the natural flair and the talents. Four students have been singled out to illustrate the conflict between the student's aptitude and the parents' pressure to block the choice through aptitude. Chatur Ramalingam (played by Om Vaidya in the film), nicknamed "Silencer", has the skill of memorization and goes on being a sychophant of his teachers and flatters them anyhow to attain the "top" position in the class.

The three roommates are Farhan Qureshi (R. Madhavan), Raju Rastogi (Sharman Joshi) and Ranchoddas Shamaldas Chanchad, called Rancho (Amir Khan). Farhan's aptitude is wildlife photography but his father has given the command of joining the course in Engineering. Raju has chosen this course to improve his family's financial position. He lacks self-confidence and often gets poor grades in this competitive world of Five Point Cumulative Grades. Rancho has interest in robotics and inventing something new. The director Dr Viru Sahastrabuddhe is displeased with the gang of these

three friends and roommates because they sit on the water tank and because Rancho gives him some unorthodox but creative answers. Chatur is out to impress his teachers by delivering a speech in Hindi on Teachers' Day. Rancho "doctors" Chatur's speech and Chatur's speech proves to be a great fiasco as the 'praise words' have been replaced by "obscenities" by Rancho. Chatur therefore decides to seek his revenge against Rancho. Virus's younger daughter Pia is a medical student and both Rancho and Pia fall in love and remain steadfast. Virus tries to break the gang up but they too remain firm. Rancho scores highest in every exam but Chatur is always second and the last two positions are occupied by Farhan and Raju.

The incident which leads to the attempt of committing suicide by Raju has been caused by the threat given by Virus to Raju to blame Rancho for the misdeeds such as his and Farhan's entering Virus's house in a drunken state and allowing Rancho to declare his love to Pia and some others. Raju is caught in a dilemma between friendship and family ties and the threat of expulsion from college. He attempts to commit suicide but is hospitalized as he has gone in a coma due to the shock. Virus then decides to fail Raju in the final exams. Pia overhears this and she helps three friends by leaking the paper. After the suicide attempt, Raju's attitude is changed. He has already been interviewed and has answered the question truthfully and frankly. Farhan has decided to pursue his love of photography. In the attempt to get the paper, the trio is caught by Virus and he expels them on the spot. Pia gets upset and reminds her father of her brother's suicide because Virus persuaded his son to join the engineering college though his son loved literature and creative writing.

Mona is Virus's elder sister who is pregnant. When she goes into labour, a heavy storm begins and all traffic stops and the electricity is cut off. In the college common room, Pia instructs Rancho to deliver the baby. The use of car batteries a Rancho – designed power inverter is used by Rancho and his friends to generate power. The baby is delivered with the help of Rancho made vacuum cleaner. "All izz well" is sung by all the students to revive the still born baby, Virus allows the three to take the final exam and to graduate.

Then ten years pass, Chatur, the corporate vice-president, comes from America. Farhan is a successful photographer now and Raju is married and leads a comfortable life. Nobody knows where Rancho is and they decide to find him out. They go to Shimla to Chanchad estate are told by real Ranchodas that Rancho in engineering college was "Chhote" an orphaned servant who studied in Chanchand's name. He gives them the address of a village school in Ladakh. In spite of Chatur's objections, Farhan and Raju take out Manali from her wedding hall. Chatur wants to go in partnership with one world-famous scientist named Phunsukh Wangdu. They come to the village school in Ladakh. The friends meet Rancho when he is teaching his students how a remote – controlled plane flies in the sky. Chatur forces Rancho to sign that he is defeated as after ten years Chatur is at the top while Rancho is just a school teacher. Then the table is turned on Chatur when he comes to know that the world famous scientist known for his patents is Rancho as Rancho is and was and will be Phunsukh Wangdu. Chatur asks for forgiveness when everybody declares "All izz well".

### **3) SIMILARITIES AND DISSIMILARITIES: NOVEL AND FILM**

**Similarities:** The story of three friends-three idiots- is presented in both the novel and the film. They have joined the course in Engineering in a top Engineering College. The three friends sit on the water tank and all the three do not have much affection for this college. The Director Professor disapproves of their friendship. In both the novel and the film, the Director of the Engineering College takes exception to their thick bonding. The younger daughter of the Professor is Neha in the novel but Pia in the film. Their role in the novel or the film is similar. She gives the three friends the keys and helps them in

stealing the question papers. In, the novel and the film, the definition and the explanation of the term Machine is similar. Raju's character has the same features and the same role, the same background-financial and family- in both the creative works-the novel and the film. Similarly, the film has Rancho but the novel has Ryan as the male protagonist but both have the same characteristics, the same creativity, the same roles. The suicide attempt is made by Raju in the movie but by another student in the novel. Farhan is the narrator in both the novel and the film. All the four major characters have similarity in the novel and the movie. The machine, the suicide and the stealing of q-papers are same in both novel and movie.

**Dissimilarities:** The Director of the Engineering Institute's lesson of breaking the egg is not found in the novel but it is quite impressive in the film- which emphasizes the competitive spirit which is required to achieve success. The Director (Professor) has an astronaut's pen in the film and this is something additional in the film which has no place in the novel. Farhan's interest in wildlife photography and his father's opposition to that are the facts that are introduced in the movie. Chatur's oratory on Teacher's Day is exposed by bring out the disadvantages of learning by rote and the mimicry-memorization method of traditional educational system. Rancho and Farhan get determined to bring Raju out of coma after his hospitalization after his attempted suicide. The fictionalized terms such as 'Pre Rajulization' and 'Farhanitrate' are invented fresh in the film. Rancho teaching, Virus how to teach through the use of such terms is a hilarious scene in the film only and not in the novel. Pia's fiancé is obsessive about brands and prices. This brings Pia and Rancho closer in their love. Pia does not like this addiction for brands. The song "All izz well" and its concept and its picturization are found in the film alone and not in the novel 'five point someone.' There are ragging scenes in both the film-**3 Idiots** and the novel-**Five Point Someone**. The methods differ in both. It is exclusively shown in the film that Rancho turns the tables on the seniors. In the film alone Chatur and Rancho bet to meet after ten years to find out who has become more successful. Chatur is quite confident of winning the bet. They reach the village school in Ladakh. They meet Rancho there but as a school teacher, though an inventive one, there are no traces of his material success. Chatur wins the bet makes Rancho sign the statement of defeat. Then it comes out that Phunsukh Wangdu, the famous scientist and the man of patents, is nobody else but Rancho. He impersonated as Chanchad and the search of the post friend Rancho by Raju and Farhan is what is presented in the film and it is not in the novel **Five Point Someone**. The state of affairs regarding the similarities and dissimilarities is like this. The question of the percentage of representation of the novel in the film is raised by the novelist around the time of the release of the film-3 Idiots.

#### **4) THE LEGAL CONTROVERSY CONCERNING '3 IDIOTS':**

It is quite ironical to notice that a film that has made the present educational system and the pressures it generates through the denial of aptitude, parental pressures, rote learning, lack of creativity its target of attack and ridicule is itself involved in academic controversy. It is agreed by both the parties that the basic characters- the 3 student friends, the Professor, his daughter and the college servant and the main plot and the general context have been derived from Five Point Someone- the novel by Chetan Bhagat. Subsequently changes were effected in making the film appealing to a larger audience of all classes and masses too. Chetan Bhagat entered into an agreement with the Production House controlled by Vidhu Vinod Chopra. He has now put forward two objections (i) the film makers had expressed an intention to adapt his work to only the most limited extent and (ii) his name has been exhibited in a cursory manner in the series of rolling credits after the film. The controversy centres

around the percentage of the extent to which the film has relied on the novel. Chetan Bhagat claims that to the extent of 70 % reliance is there of the film on the novel while he understood that it would be about 10% only. The three clauses in the Agreement between Chetan Bhagat, the novelist and the Production House make the provision quite clear and these three clauses are Clause 2, Clause 4 and Clause 5.

In the context of the Agreement and its transparent and the legal controversies of this nature decided in other law-suits and in other law courts need to be taken into consideration. The cases referred to are Amrit Banaspati Co Ltd vs State of Punjab, Lily White vs Munnuswamy, R.G.Anand vs Mrs Delux Films and others, AmarNath Sahgal vs Union of India and Smt Mannu Bhandari vs Kala Vikash Pictures Pvt Ltd and Phoolan Devi vs Shekhar Kapoor. The Visual Artists Rights Act (VARA) to the Copyright Act is the relevant act in this case. Some cases referred to have been those recorded in case history of the British Law Code such as Earl of Aylesford vs Morris, Fry vs Lane, Shroeder Music Publising Co. vs Mecaulay, Clifford Devis Management Ltd. Vs WEA Records Ltd, O'Sullivan vs Management Agency and Music Ltd, Redgrave vs Hurd, National Westminster Bank Plc vs Morgan, Lloyd's Bank Ltd vs Bundy, Alec Lobb (Garages) Ltd vs Total Oil (Great Britain) Ltd and Multiservice Bookbinding Ltd vs Murden. Though Chetan Bahagat claimed that the extent of the reliance of the film on the novel is 70%, Amir Khan, the male protagonist in the film claimed it to be just 5%. It is agreed by all the parties concerned that the major characters of the three friends, the professor, his two daughters and the college servant MM are taken from the novel. Certain episodes and locations too are similar in nature in both the novel and the film. The average then comes to about 10% of reliance of the film **3 idiots** on the novel **Five Point Someone**. This rough estimate shows that Chetan Bhagat's claims of 70% does not stand the ground of validity. Moreover, he has already entered into the agreement to give all the rights of his intellectual property to the Production House. His argument is therefore crying over the spilt milk. Secondly, non-disclosure would have been a breach of contract but the credit titles carry his name clause 4 of the Argument was accepted such a mention in the running scroll of credit titles and Chetan Bhagat has already signed the Agreement. On all counts, the controversy is intentional perhaps to gain more popularity both for the film and the novel. Such incidents have always taken place and most of those have been sponsored by the parties concerned only.

## 5) REMEDIAL SOLUTIONS:

Chetan Bhagat in this controversy was not entitled to any rights regarding audio-visual adaptation of the movie because he had already contracted them away. There are some lessons which the authors can learn from this controversy which proved to be a storm in the tea-cups. In future, any author should himself or herself write the first screen-play of the movie. He or she should remain involved in the process of the making of the film, the preparing of the final script. If not, there should be insistence on his or her part to include certain safety clauses in the Agreement. These clauses will entitle him to have access to the script at every stage of the film production. The novelist then will be empowered to present creative inputs. The author would get the power to approve the final script and even after that he would be empowered to make suggestions that would be binding on the director and the producer of the film. These legal provisions might satisfy the author but above all moral rights have more effectiveness than legal powers. Mutual understanding is the best course in this matter. R. K. Narayan remained dissatisfied with the adaptation of his novel '**The Guide**' into a film. Co-operative and free, frank relations between the two sides, discussion at every stage, approval of the novelist for the changes and incorporation of his even last minute suggestions will usher in such an atmosphere in which such controversies will have no place.

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