

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Reqd.

} 1909.

Enclosures

Spare copies

(9)

G.O., No. 112, 25th February 1909.

Press and Registration of Books Act, 1867.

Communicating to the Registrar of Books the opinion of the Advocate-General, as to whether the provisions of section 9 of the — exempting from registration the second or subsequent edition of a book applies to a book printed at one and the same press or one and the same book printed at different presses.

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GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ--the following papers:—

I

Letter—from Rao Bahadur M. RANGACHARYA, M.A., Registrar of Books, Madras.
To—the Secretary to Government, Educational Department (through the Director of Public Instruction).
Dated—the 10th November 1908.
No.—1156.

As some proprietors of printing and lithographic presses in this Presidency deliver for registration books and pamphlets which are only reprints of the editions already registered in this office, I beg to be informed whether clause (1), Rule 10 in the accompanying copy of the notification applies to subsequent editions of a book printed at one and the same press or to one and the same book printed at different presses. I am inclined to believe that all subsequent editions without additions or alterations, wheresoever printed, are to be considered as reprints. I may mention in this connection that neither section 9 of Act XXV of 1867, amended by Act X of 1890, wherein reprints are exempted from registration, nor the enclosed notification by the Home Department of the Government of India is clear on this point. If subsequent editions are printed at different presses, the proprietors thereof may find it difficult to ascertain whether they are mere reprints, and whether any of the previous editions had already been presented for registration. They may thereby either multiply the work of this office by sending such books, as they need not, for registration; or they may unconsciously get into the habit of neglecting to do their duty under the Book Registration Act. Moreover, it is possible that certain subsequent editions are printed better and on better paper; and as the Act requires that copies delivered for registration should be such as are "printed or lithographed on the best paper," and as the object of the Act is stated to be "the preservation of copies of books printed in British India," I feel doubtful as to whether my opinion regarding "reprints" is quite correct. A distinct rule on the point supported with the authority of Government seems to be necessary. I have therefore to request that the opinion of the Advocate-General be obtained on the point and sent to me for my guidance.

ENCLOSURES.

Circular Memorandum.

The Registrar of Books thinks it desirable to call the attention of District Registrars, Printers and Publishers to the following notification of the Government of India exempting certain publications from the provisions of Act XXV of 1867. Such publications should in no case be sent in for registration, nor should they be received by the District Registrars for transmission to this office:—

NOTIFICATION.

By virtue of the power vested in the Governor-General in Council by section 21 of Act XXV of 1867, entitled "An Act for the regulation of Printing-presses and Newspapers, for the preservation of copies of books printed in British India, and for the registration of such books,"

His Excellency in Council is pleased to declare that the following publications are exempted from the provisions of the said Act:—

- 1.—Reprints of books *without* additions or alterations, and *without* new notes or commentaries.
2. Acts of the Legislative Councils *without* notes or commentaries.
3. Price lists and tradesmen's circulars.
4. Catalogues of books and other articles, auctioneers' notices, and advertisements.
5. Play-bills, comprising advertisements of theatrical and musical entertainments.
6. Decisions of courts of law *without* notes or commentaries.
7. Petitions and appeals addressed to constituted authority under the provisions of law.
8. Testimonials of private individuals or public officers.
9. Annual reports of schools, banks, societies and firms.
10. Almanacs and calendars.
11. Labels affixed to articles of commerce.

HOME DEPARTMENT, PUBLIC,
FORT WILLIAM,
December 1871.

E. C. BAYLEY,
Secy. to the Govt. of India.

2. According to a ruling of the Madras Government, all Magazines, Reviews, Literary and Scientific Journals and similar *periodical* literature published in parts at fixed intervals, and intended to be continued for an indefinite time, should also be registered in the same way as books.

OFFICE OF THE REGISTRAR OF BOOKS,
MADRAS,
15th August 1908.

M. RANGACHARYA,
Registrar of Books.

NOTIFICATION.

Fort St. George, January 15, 1907.

The following rules framed under section 20 of the Press and Registration of Books Act, 1867, as amended, are republished for general information:—

RULES.

1. The officer to whom and the place at which the single copy, or, if requisition be made the further copy or copies not exceeding two, referred to in section 9 of the Act, of every book printed or lithographed within the Presidency of Fort St. George, shall be delivered, shall be as follows:—

- (1) If such book is printed or lithographed within the municipal limits of the city of Madras—then to the Registrar of Books, at his office.
- (2) If such book is printed or lithographed outside the municipal limits of the city of Madras—then to the Registrar of Assurances of that district in which such book is printed or lithographed, at his office.

2. Together with the single copy referred to in clause (a), section 9, of the Act, the printer or lithographer shall furnish the Registrar with a memorandum duly dated and signed by himself and countersigned by the publisher and containing the following particulars:—

- (1) The title of the book and the contents of the title page.
- (2) The language in which the book is written.
- (3) The name of
 - (a) the author,
 - (b) the translator, and
 - (c) the editor
 of the book or any part thereof.
- (4) The subject of the book.
- (5) (a) The place of printing, and
(b) the place of publication.
- (6) (a) The name or firm of the printer, and
(b) the name or firm of the publisher.
- (7) The date of delivery from the press and of the publication.
- (8) The number of sheets, leaves, or pages.
- (9) The size.
- (10) The number of the edition.
- (11) The number of copies of which the edition consists.
- (12) Whether the book is printed or lithographed.
- (13) The price at which the book is sold to the public.
- (14) The name and residence of the proprietor of the copyright or of any portion thereof.

3. The receipt referred to in section 10 of the Act shall be in the following form:—

"I, A.B., Registrar of _____, do hereby acknowledge to have received from C.D., printer (or lithographer, as the case may be), a copy of _____ with a memorandum of the particulars specified in paragraph 2 of the rules published under notification, dated 22nd March 1902."

4. Each District Registrar shall, as soon as practicable after the receipt of the copy or copies and memorandum, forward the same to the office of the Registrar of Books.

5. The single copy of each work delivered pursuant to clause (a), section 9, of the Act, shall be retained by the Registrar of Books who shall deposit it in a separate library, which shall be constituted a reference library.

6. The catalogue of books printed within the Presidency of Fort St. George and referred to in section 18 of the Act shall be kept by the Registrar of Books.

7. The Registrar of Books shall forward to the Secretary to Government, Educational Department, through the Director of Public Instruction, a quarterly catalogue of registered works, including also, regarding each work, the particulars specified in section 18 of the Press and Registration of Books Act, 1867, a note being attached to each entry stating whether or not the copyright has been registered.

8. If the proprietor of the copyright of a book delivered desire to register his proprietorship, he shall pay the sum of Rs. 2 to the office where delivery is made, and that office shall grant a receipt and shall pay the money into the treasury, notifying the fact to the Registrar of Books, who shall then register the copyright and give a certificate declaring that the copyright of the work has been so registered. Tender of payment to secure copyright should be made in a written application praying for registration under the Indian Copyright Act, 1847.

9. If, from information supplied by a District Registrar or obtained from any other trustworthy source, the Registrar of Books sees reason to believe that a book has been printed or lithographed in any part of the Madras Presidency, and that no copy of such book has been delivered as required by the Press and Registration of Books Act, 1867, as amended by Act X of 1890, he shall take steps to have a prosecution instituted against the offender under section 16 of the former Act as amended, unless, for reasons to be recorded in writing, he considers such a course inexpedient, and he shall also report all such cases to the Director of Public Instruction.

10. Nothing in the foregoing rules shall apply to—

- (1) an edition of a book in which no additions or alterations, either in the letter-press or in the maps, prints or other engravings, belonging to the edition last preceding, have been made—

Provided that a copy of the first or later edition of the book was delivered;

- (2) any periodical work published in conformity with section 5 of the Press and Registration of Books Act, 1867.

A. BUTTERWORTH,
Ag. Secretary to Government.

N. Ref. on Cur. No. 7517/08, dated 17th November 1908.

Submitted to Government.

A. G. BOURNE,
Director of Public Instruction.

II

Official Memorandum No. 2471-1, dated 17th December 1908.

The letter from the Registrar of Books, No. 1156, dated 10th November 1908, will be forwarded to the Honourable the Advocate-General with the request that he will favour Government with his opinion on the question raised by the Registrar.

(By Order.)

C. A. SOUTER,
Under Secretary to Govt.

To the Government Solicitor.

Letter—from W. O. DAVID, Esq., Government Solicitor, Madras.
To—the Secretary to Government, Educational Department.
Dated—the 16th February 1909.
No.—120.

ABSTRACT.—Forwarding the following opinion of the Advocate-General, dated 15th February 1909:—

Opinion.

Subsequent editions of a book without additions or alterations are expressly excluded from the operation of Act XXV of 1867 (section 9). It is immaterial whether the editions are printed at the same press or at different presses. Nor will the fact that the subsequent edition is printed better or on better paper make any difference.

P. S. SIVASWAMI Aiyar,
Advocate-General.

Order—No. 112, Educational, dated 25th February 1909.

The Advocate-General's opinion will be communicated to the Registrar of Books with reference to his letter No. 1156, dated 10th November 1908.

(True Extract.)

A. BUTTERWORTH,
Ag. Secretary to Government.

To the Registrar of Books
(through the Director of Public Instruction,
with copy of Advocate-General's opinion).

EDUCATIONAL DEPARTMENT

NOTES CONNECTED WITH G.O., No. 112, EDUCATIONAL,
DATED 25TH FEBRUARY 1909.

[SUBJECT.—*Application of the provisions of section 9 of the Press and Registration of Books Act, 1867, exempting from registration the second or subsequent edition of a book, to a book printed at one and the same press or to one and the same book printed at different presses.*]

Previous Papers.

G.O., No. 13, Educational, dated 15th January 1872.
" " 166 " " 22nd March 1902.

From the Director of Public Instruction, dated 17th April 1903, No. 7517.

Page 7 of the Act.

Section 9 of the Press and Registration of Books Act, 1867, runs—

"Printed or lithographed copies of the whole of every book which shall be printed or lithographed in British India after this Act shall come into force, together with all maps, prints or other engravings belonging thereto, finished and coloured in the same manner as the best copies of the same, shall, notwithstanding any agreement (if the book be published) between the printer and publisher thereof, be delivered by the printer at such place and to such officer as the Local Government shall, by notification in the official Gazette, from time to time direct, and free of expense to the Government. . . ."

2. The following have been excepted from the operation of the above rule:—

"(i) any second or subsequent edition of a book in which edition no additions

Page 8 of the Act, section 9.

"or alterations either in the letter-press or in the maps, prints or other engravings belonging to the book have been made, and a copy of the first or some

Ibid.

"preceding edition of which book has been delivered under this Act, or

"(ii) any periodical work published in conformity with the rules laid down in section 5 of this Act."

G.O., No. 166, Educational, dated 22nd March 1902.

3. Rule 10 of the rules framed by the Local Government under section 20 of the Press and Registration of Books Act, 1867, accordingly provides—

"Nothing in the foregoing rules shall apply to—

"(1) an edition of a book in which no additions or alterations, either in the letter-press or in the maps, prints or other engravings, belonging to the edition last preceding, have been made—

"Provided that a copy of the first or later edition of the book was delivered ;"

"(2) any periodical work published in conformity with section 5 of the Press and Registration of Books Act, 1867."

4. The Registrar of Books enquires whether this rule applies to subsequent editions of a book printed at one and the same press or to one and the same book printed at different presses. He is inclined to believe that all subsequent editions, without additions or alterations, wheresoever printed, are to be considered as reprints, but considers that neither section 9 of the Press and Registration of Books Act nor the notification of the Government of India issued in December 1870 under section 21 of that Act, is clear on the point.

5. The Registrar observes—

"If subsequent editions are printed at different presses, the proprietors thereof may find it difficult to ascertain whether they are mere reprints, and whether any of the previous editions had already been presented for registration. They may thereby either multiply the work of this office by sending such books, as they need not, for registration; or they may unconsciously get into the habit of neglecting to do their duty under the Book Registration Act. Moreover, it is possible that certain subsequent editions are printed better and on better paper; and as the Act requires that copies delivered for registration should be such as are 'printed or lithographed on the best paper,' and as the object of the Act is stated to be 'the preservation of copies of books printed in British India,' I feel doubtful as to whether my opinion regarding 'reprints' is quite correct."

6. The Registrar of Books therefore solicits for his guidance a distinct ruling of Government on the question raised by him and suggests that the opinion of the Advocate-General may be obtained on the point.

7. The existing section 9 of the Press and Registration of Books Act, 1867, is the one substituted by section 4 of the Press and Registration of Books Act (1867) Amendment Act, 1890. The statement* of Objects and Reasons, the Select Committee's Report and the Proceedings in Council relating to this Act have been looked up; but they contain nothing to elucidate the point raised by the Registrar of Books. The proviso to the section exempts from registration "any second or subsequent edition of a book in which

"edition no additions or alterations either in the letter-press or in the maps, print or other engravings belonging to the books have been made." The meaning of this proviso seems to be that a mere reprint of a book, whether printed at the same press or at a different press need not be delivered to the Registrar of Books, but that if the reprint contains any additions or alterations either in the letter-press or in the maps, prints or other engravings belonging to the book, it shall be delivered to the Registrar of Books. Rule 10 above referred to does not also seem to require the delivery of a copy of a reprint to the Registrar, provided that "a copy of the first or later edition of the book" has already been delivered.

8. It is for consideration whether the Registrar of Books may be informed accordingly. Perhaps the opinion of the Advocate-General may be taken on the point as suggested by the Registrar.

T.K.—11-12-08.

K. RANGASWAMI AIYANGAR—12-12-08.

It seems to me that it doesn't matter where a second edition is printed so long as it is similar to the first. There seems

I.e., the matter.

The rule is clear. If a second edition of a book is printed, a copy must be sent to the Registrar of Books if it is in any respect different from the first with regard to the letter-press. If not, no copy need be sent.

C. A. SOUTER—14-12-08.

The Registration of Books Act, 1867, is an enactment of the Government of India. Under section 20 of that Act the Local Government can frame rules for carrying out the objects of the Act. The rules as framed relate to books referred to in section 9 of the Act. The reference relates to the interpretation of section 9, and if any doubt exists, the Government of India, and not the Local Advocate-General should, it is submitted, be addressed on the subject.

No. This is wrong. The Government of India have repeatedly laid it down that they will not interpret Acts and that interpretation is for the local Advocate-General.

G. S. F[ORBES].

2. The intention of section 9 seems clear, and no subsequent registration of a mere reprint is necessary of a registered book provided that the letter-press, maps, prints or other engravings remain unaltered, at whatever press, and in whatever material or form it may be published.

This is a question of legal interpretation which is perhaps not so clear as it looks.

G. S. F[ORBES].

3. It is incumbent on the proprietor of a second press which reprints a book published at another press to ascertain (1) that the book has been registered;

(2) that the form remains unaltered. Otherwise he would be liable to the penalties provided under the Act.

H. D. TAYLOR—15-12-08.

As the Registrar raises the question send his letter to the Advocate-General for opinion. The Press Act is so important; we better be on safe side.

G. S. F[ORBES]—16-12-08.

Draft official memorandum please to Advocate-General.

H. D. TAYLOR—16-12-08.

The draft memorandum placed below is for approval.

T.K.—16-12-08.

K. RANGASWAMI AIYANGAR—16-12-08.

Issue.

C. A. SOUTER—16-12-08.

[Memorandum No. 2471-1 dated 17th December 1908.]

From the Government Solicitor, dated 16th February 1909, No. 120.

The Advocate-General's opinion may be communicated to the Registrar of Books. The draft placed below is for approval.

T.K.—20-2-09.

K. RANGASWAMI AIYANGAR—20-2-09.

For perusal.

C. A. SOUTER—20-2-09.

For perusal.

A. BUTTERWORTH—22-2-09.

Approved.

G. S. F[ORBES]—25-2-09.

[G.O., No. 112, Educational, dated 25th February 1909.]

READ ALSO:—

" " 319, " " Govt. Solicitor, " 120, " 16-2-1909.

" " , " , " 190

ORDER.

P. S.

No. 112, dated 25-2-1909

The Advocate-General's opinion
will be communicated to the
Registrar of Books with reference to
his letter no. 1156 dated 10th Nov. 1908.

7/6/2020

Chd
20.2.7. Ans
27~

Rev. 3-40 P.m.

To
The Registrar of Books thru' the
D.P.O. with copy of AG's opinion.

A	B	C
Please send proof in triplicate. The papers have been carefully edited.	Proof returned corrected. Please strike off and send number of copies as indicated.	As the matter is clear manuscript and has been carefully edited, (b) proof need not be sent. Please print and supply number of copies as indicated.
Type may be released after usual interval at once.	Type may be released after usual interval at once.	Type may be released after usual interval.
.....Clerk.	Clerk.	Clerk.
.....Supdt.	Supdt.	Supdt.

(b) Three copies of proof of all notes should be sent for approval, except when instructions are given to the contrary.

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Revised proof furnished on.....	
Corrected proof received for striking on.....	19/3/09 <i>LB</i>
Final copies supplied on.....	24/3/09 <i>LB</i>

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