

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

} 1913

Enclosures

Spare copies

G.O. No. 727, 9th August 1913.

Press and Registration of Books Act.

Passing orders on the proposal of the Registrar of Books for the introduction of two new rules under section 20 of the - XXV of 1867 in order to authorize that officer to issue the requisitions for the supply of books mentioned in clause (b) of section 9 of the aforesaid Act.

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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 14th February 1913.
No.—270.

I have the honour to report that, in a case of failure to supply the books demanded under clause (b), section 9 of Act XXV of 1867, as amended, in behalf of the libraries of the India Office and the British Museum in London, which was taken to the notice of the District Magistrate, the Magistrate that heard the case held that section 9 (b) of the Act contemplated the issue of the requisition by the Local Government and that the requisition issued by the Registrar of Books cannot be legally binding on the printers. I have therefore to request that the necessary action be taken to duly authorize the Registrar of Books to issue the needed requisitions from time to time and to receive the books as they are delivered, and that two more rules as given below be added to the rules contained in the accompanying Government notification and published in the *Fort St. George Gazette* as required by section 20 of the said Act.

2. Copies of the correspondence on this subject with the Magistrate who tried the case are submitted herewith.

Rule 1.—The Registrar of Books shall be the officer appointed under section 9 of the Act to receive the books delivered for registration.

Rule 2.—The Registrar of Books shall be, under clause (b), section 9 of the Act, the officer authorized to issue, on behalf of the Local Government, the requisitions for books and to receive them when delivered.

ENCLOSURES.

(1)

Educational notification, dated 7th January 1913.

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. One copy, or, if requisition be made, a further copy or copies not exceeding two, of every book printed or lithographed within the Presidency of Fort St. George shall, as required in section 9 of the Act, be delivered to the Registrar of Books at his office, Madras.

2. At the same time 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
- (4) The book or any part thereof.
- (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 Books, Madras, 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 _____"

4. The Registrar of Books shall deposit all books received under section 9 (a) of the Act in a separate library which shall be constituted a reference library.

5. Every keeper of a printing press shall, within ten days after the first day of January, the first day of April, the first day of July and the first day of October of each year, forward to the District Magistrate, or if the press is situate within the limits of the town of Madras to the Chief Presidency Magistrate, a return in the appended form of all books printed at his press in the quarter preceding the said dates, or if no books have been printed at his press, a statement to that effect—

Quarterly return of books and pamphlets issued from the

Press.

Full title of book (contents of title page).	Printer and place of publication.	Date of delivery from the Press and of the publication.

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, at the end of each quarter, an extract from the catalogue of the books registered during the quarter, a note being attached to each entry stating whether or not the copyright has been registered. Similar extracts shall be forwarded quarterly to each District Magistrate and the Chief Presidency Magistrate for the books printed within their jurisdictions.

8. On receipt of the fee of Rs. 2 referred to in section 18 of the Act, the Registrar shall note the payment in the catalogue of books and give a certificate declaring that the copyright of the work has been so registered. Tender of payment to secure copyright shall be made in a written application praying for registration under the Indian Copyright Act, 1847.

9. 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.

(2)

Letter—from the Registrar of Books.
To—the District Magistrate of Godavari.
Dated—the 30th September 1912.
No.—1858.

As Messrs. Ch. Kailasa Rao Brothers, Proprietors of Kamala Press, Cocanada, have failed to supply, in spite of reminders, the marginally-noted books claimed, under clause (b), section 9 of Act XXV of 1867, as amended by Act X of 1890, in behalf of the libraries of the British Museum and the India Office in London, through this office requisition No. 1527, dated 15th August 1912, I have the honour to request that you will be so good as to enforce the penalty section 16 of the said Act against them.

2. In accordance with paragraph 3 of the accompanying circular, furnished to all printers in the Presidency, every printer is expected to retain with him as many copies as are necessary to meet the requirements of the Act.

(3)

Letter—from the Registrar of Books.
To—the Deputy Magistrate of Cocanada.
Dated—the 6th November 1912.
No.—1995.

As I am given to understand that my letter No. 1858, dated 30th September 1912, complaining against Ch. Kailasa Rao Brothers, Kamala Press, Cocanada, that they have failed to supply the books demanded, under the law, in behalf of the libraries of the British Museum and the India Office in London, has been transferred to you for disposal, I have the honour to request that I may be informed whether any action has been taken in the matter.

(4)

Letter—from the Deputy Magistrate, Head-quarters division, Cocanada.
To—the Registrar of Books.
Dated—the 28th November 1912.
No.—Ref. on C.C. 113.

With reference to your letter No. 1995, dated 6th November 1912, I have the honour to state that your letter No. 1858, dated 30th September 1912, to the District Magistrate, Godavari, has been transferred to me for disposal. I have taken the case on my file. It has been posted for hearing on the 12th proximo.

(5)

Letter—from the Registrar of Books.
To—the Deputy Magistrate, Head-quarters division, Cocanada.
Dated—the 9th December 1912.
No.—2259.

With reference to your letter Ref. on C.C. No. 113, I have the honour to inform you that Ch. Kailasa Rao Brothers, Proprietors of Kamala Printing Works, Cocanada, against whom I have complained, have this day supplied the books demanded from them under the law. The explanation (*vide* copy enclosed) submitted by them is not satisfactory. In accordance with paragraph 3 of the accompanying circular, they should have retained with them the required number of copies of the books in question. As they slept over the matter for a long time in spite of several reminders sent from this office, their case deserves to be handled according to section 16 of Act XXV of 1867.

(6)

Letter—from the Deputy Magistrate, Cocanada.
To—the Registrar of Books.
Dated—the 13th December 1912.
No.—Ref. on C.C. 113-Mag.

With reference to your letter No. 2259, dated 9th December 1912, I have the honour to state that Ch. Kailasa Rao Brothers have produced two receipts signed by you and dated 12th February 1912 and 22nd February 1912 respectively. They appear to show that they duly complied with the provisions of section 9 (a) of Act XXV of 1867. The present complaint has, however, been instituted for their failure to send the books claimed under clause (b) of that section. Chaganti Parabrahmam who says that he manages the business on behalf of himself and his brother Kailasa Rao, who is employed at Ellore, states that he never received any requisition from you, that he was absent from Cocanada for three months, that on his return to Cocanada on the 5th instant his head compositor showed a requisition received from you during his absence and that he sent copies of books required by you on the 8th instant.

2. I invite your kind attention to the instructions contained in G.O. No. 10, Judicial, dated 4th January 1912. Under these instructions the complaint presented against Kailasa Rao Brothers should be tried as a regular case. It has to be proved that a requisition for the additional copies called for was duly served upon the printers and that they failed to comply with it. I request that you will kindly inform me if you have any evidence to prove the same.

3. Further, section 9 (b) of the Act contemplates the issue of the requisition by the Local Government and one issued by the Registrar of Books may not be legally binding on the printers unless you can point out any authority to show that this view is wrong.

4. I have adjourned the case to the 20th instant for further hearing and shall feel obliged if you can enlighten me on the points raised above before that date.

(7)

Letter—from the Registrar of Books.
To—the Deputy Magistrate, Head-quarters division, Cocanada.
Dated—the 16th December 1912.
No.—2282.

With reference to your letter C.C. No. 113-Mag., dated 13th December 1912, I have the honour to point out that the deposition of the printer Ch. Parabrahmam that he never received any requisition from this office is inconsistent with his statement that his head compositor showed him a requisition received from this office during his absence. It cannot be denied that the requisition despatched from this office duly reached him. As a matter of fact in his letter of the 5th instant, of which a copy has been already sent to you with this office letter No. 2259, dated 9th December 1912, he admits the receipt of the requisition No. 1527, dated 15th August 1912. It ought to be considered in such cases that the onus of proving the non-receipt of requisitions and reminders (the sending of which is borne out by official records) rests entirely on the parties themselves, but not on the officer who is to send the requisition. I presume that, soon after the receipt of a notice from your court, the printer should have opened his eyes and promptly arranged to supply the books demanded.

2. Adverting to paragraph 3 of your letter under reply, I have to invite your attention to rule 1 in the accompanying notification by Government from which it has to be inferred that the officer authorized to receive the books is also the officer to send the requisitions therefor. The demand for books under the law by the British Museum and the India Office in London is sent directly to the Registrar of Books, who is held responsible to take the action needed to meet the demand and supply the books.

(8)

Copy of the judgment delivered by the Deputy Magistrate of Cocanada.

This is a complaint presented under section 16 of Act XXV of 1867 against Kailasam Brothers, Proprietors of the Kamala Press, Cocanada, on the ground that they failed to send certain books claimed under clause (b) of section 9 of the Act.

2. Chaganti Parabrahmam who manages the printing business on behalf of himself and his brother employed at Ellore states that he was absent from Cocanada for three months, that on his return to Cocanada on the 5th instant his head compositor showed a requisition received from the Registrar of Books during his absence and that he sent the copies of books required by the Registrar on the 8th instant. It is a fact that he sent the books on the 8th instant and that they have been received by the Registrar. The accused is prepared to prove the other allegations made by him. A registered notice, with acknowledgment slip, does not appear to have been sent to the printers as instructed by Government. There is no evidence to show that the printers have received any requisition for the additional copies more than a month before it was complied with. The prosecution therefore fails and the accused is acquitted under section 245, Criminal Procedure Code.

3. I may also note that section 9 (b) of the Act contemplates the issue of the requisition for additional copies by the Local Government. It is not alleged that such a requisition was issued and one issued by the Registrar of Books does not appear to be legally binding upon the printers.

N. Ref. on Cur. No. 1351/13, dated 10th March 1913.

Submitted to Government.

A. G. BOURNE,
Director of Public Instruction.

II

Endorsement No. 817-1, Educational, dated 2nd June 1913.

Referred to the Advocate-General for favour of scrutiny of the proposed rules.

W. FRANCIS,
Ag. Secretary to Government.

III

Letter—from W. O. DAVID, Esq., Government Solicitor, Madras.
To—the Secretary to Government, Educational Department.
Dated—the 24th July 1913.
No.—752.

ABSTRACT.—Forwarding the following opinion of the Advocate-General, dated 23rd July 1913:—

OPINION.

The first of the proposed rules is unnecessary, as rule 1 of the present rules (dated 7th January 1913) sufficiently indicates the Registrar of Books as the officer contemplated by section 9 of the Act.

The second of the proposed rules is *ultra vires*. The Act does not authorize the Local Government to delegate its powers under section 9 (b).

F. H. M. CORBET,
Advocate-General.

Order—No. 727, Educational, dated 9th August 1913.

The Registrar of Books will be informed that the first of the two rules proposed by him is unnecessary, because rule 1 of the existing rules sufficiently indicates the Registrar of Books as the officer contemplated by section 9 of the Press and Registration of Books Act, 1867, and that the Government are advised that the second is *ultra vires* since the Act does not authorize Government to delegate their powers under section 9 (b).

2. If, in future, a firm takes no notice of the Registrar's requisitions for the supply of books, he should report the fact to Government so that the Government may themselves send the requisition. Should the firm still neglect to make the supply, a prosecution would then lie.

(True Extract.)

W. FRANCIS,
Ag. Secretary to Government.

To the Director of Public Instruction
 „ Judicial Department.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O. No. 727, EDUCATIONAL, DATED
9TH AUGUST 1913.

[SUBJECT.—*Press and Registration of Books Act, 1867.*]

From the Director of Public Instruction, dated 10th March 1913, No. 1351.

Please see paragraph 10 of G.O. No. 491, Judicial, dated 1st April 1910, for the rules framed by the Government under section 20 of Act XXV of 1867 (Press and Registration of Books Act).

2. The Registrar of Books now brings to the notice of Government the defective nature of rule 1 of those rules, in that it does not specially authorize the Registrar of Books to issue the requisition mentioned in clause (b) of section 9 of the Act on behalf of Government, and suggests two new rules so as to remedy that defect.

Paragraph 3 of the District Magistrate's letter, dated 13th December 1912 and paragraph 3 of the Deputy Magistrate's judgment clearly justify the need for issuing definite instructions on the point.

2. As regards the two draft rules submitted by the Registrar, the necessity for the first does not seem clear. These rules are not intended to replace any of the existing rules but only to supplement them. Rule 1 of the latter would appear to be sufficient for the purposes aimed at by the proposed rule 1.

3. There seems to be no objection to accept the draft rule 2. If approved, this may be inserted between the existing rules 1 and 2 as rule 1-A. Judicial may be consulted.

C. RAMANUJACHARI—9-4-13.

This is a case which ought to be referred to the Advocate-General for scrutiny of the proposed rules.

First please ask Judicial if they agree to the course.

L. DAVIDSON—10-4-13.

To the Judicial Department.

JUDICIAL DEPARTMENT.

Submitted that Judicial may agree to the course proposed by the Educational Department to refer the proposed rules to the Advocate-General.

The Advocate-General may perhaps be consulted; but section 9 (b) of the Act (XXV of 1867) does not appear to give power to a Local Government to authorise an officer to issue, on its behalf, requisitions for books.

S.D.—16-4-13.

Office—

Can you not trace the history of rule 1 of the notification under the Act.

T. J. TASKER—22-4-13.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

Rule 1 as originally framed stood thus :—

“Three copies of every work printed or lithographed in a district of the Madras Presidency, except within the municipal limits of the town of Madras, shall be delivered to the Registrar of Assurances of such district at his headquarters by the printer or lithographer . . .”

“In the case of works printed or lithographed in the town of Madras the prescribed number of copies . . . shall be furnished to the Registrar of Books.”

2. When Act XXV of 1867 was amended by Act X of 1890 the above rule was amended as follows :—

“The place at which, and the officer to whom, the single copy, or, if requisition be made, the further copy or copies 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 the office of the Registrar of Books, Madras.”

“(2) If such book is printed or lithographed outside the municipal limits of the city of Madras—then the office of the Registrar of Assurances of that district in which such book is printed or lithographed.”

3. The rules came up for revision again in 1891 so as to render them more definite in certain respects ; and rule 1 as then revised ran as follows :—

“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 the book is printed or lithographed within the municipal limits of the city of Madras—then to the Registrar of Books, Madras, 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.”

4. The rules underwent revision again under G.Os. Nos. 258, Educational, dated 30th April 1909, and 491, Judicial, dated 1st April 1910. The former did not affect rule 1 but the latter did and it contains the existing rule. It is as follows :—

“One copy, or, if requisition be made, a further copy or copies not exceeding two, of every book printed or lithographed within the Presidency of Fort St. George shall, as required in section 9 of the Act, be delivered to the Registrar of Books at his office, Madras.”

5. The file may be returned to Judicial with reference to their note *supra*.

P. RAMUNNI NAYAR—9-5-13.

C. RAMANUJACHARI—15-5-13.

Yes

W. FRANCIS—20-5-13.

To the Judicial Department.

JUDICIAL DEPARTMENT.

Under Secretary—

Under section 9 of Act XXV of 1867, as it was originally enacted, three copies of every book had to be given to Government and section 10 provided for the payment of the copies so delivered. The 1867 rule was framed with reference to this provision of the law.

2. This led to extravagant demands being made on the Government, and in 1889, an amending Bill was introduced in Council with the object of reducing the number of copies to be delivered to Government, and abrogating the rule that copies delivered under the Act shall be paid for by the Government. The law, as finally passed by the Council, will be found in sections 9 to 11 of the Act as printed at pages 637 to 639 of volume I of the unrepealed Acts.

3. Rule 1 of the 1867 rules was accordingly revised in 1890, with reference to the change in the law, laying down “the place at which, and the officer to whom, the single copy, or if requisition be made, the further copy or copies, referred to in section 9 of the Act . . . shall be delivered.” The rule then made remained substantially unaltered since 1910, when the present rule 1 was framed, as reproduced on the preceding page.

4. It will be seen that neither the rule of 1890 nor the rule of 1910, empowers the Registrar of Books to make a requisition for the further copies required ; nor does section 9 of the Act appear to allow the delegation by the Local Government of such a power to that officer. To make sure of the point, however, the reference to the Advocate-General proposed by the Educational Department may perhaps be made.

S.O.—26-5-13.

We may agree to a reference by Educational to the Advocate-General.

T. J. TASKER—27-5-13.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

A draft endorsement is submitted for approval.

P. RAMUNNI NAYAR—28-5-13.

C. RAMANUJACHARI—31-5-13.

Approved.

W. FRANCIS—2-6-13.

[Memorandum No. 817-1, Educational, dated 2nd June 1913.]

From the Government Solicitor, dated 23rd July 1913, No 174.

Please see the Advocate-General's opinion on page 3 of the current file. He is of opinion that the first of the rules proposed by the Registrar of Books is unnecessary as rule 1 of the present rules (dated 7th January 1913) sufficiently clearly indicates the Registrar of Books as the officer contemplated by section 9 of the Press and Registration of Books Act, 1867, and that the second rule is *ultra vires*. It is

Yes.

W. FRANCIS.

for consideration whether the Registrar of Books may be informed accordingly. At the same time, it is a real difficulty that has been raised by the Registrar and a remedy would seem to lie only in an amendment of the Act being carried through. For an amendment of the Act, the Government of India has to be addressed.

E. A. VENKITESWARA AYYAR—31-7-13.

C. RAMANUJACHARI—4-8-13.

No need to legislate. As a rule publishers comply readily enough on a requisition from the Registrar. Tell him that if in any case firms take no notice of his requisitions he should report to Government, so that Government can themselves send the requisition, before he proceeds to prosecute.

W. FRANCIS-5-8-13

W. FRANCIS-5-8-13.

A draft order is submitted for approval.

P. RAMUNNI NAYAR—6-8-13.

C. RAMANUJACHARI-7-8-13.

Approved.

W. FRANCIS—8-8-13.

[G O. No. 727, Educational, dated 9th August 1913.]

READ AGAIN G.O. No. _____, dated _____ 191

" " " " ? " 191

C. No. 817, From the 279, No. 1357, dated 10-3-1913

2306 174 23-7-1913

ORDER.

No. 72727, dated 9. 8. 1918

128

Not for ET

the Registrar of Books will be informed ^{the first} that 2 of the two rules proposed by him ~~the first~~ is unnecessary, because rule 1 of the existing rules sufficient indicates the Registrar of Books as the officer contemplated by section 9 of the Press and Registration of Books Act, 1867 and that the ^{Govt. are advised that the} 2nd is ultra vires ~~because~~ ^{since} the Act does not authorize Govt. to delegate their powers under section 9 (b). ^{in future} after this

2. If in ~~any~~ ^{any} case firm takes no notice of the Registrar's requisition ^{for the supply of books} he should report the fact to Govt. so that the Govt. may themselves send the

the requisition before he proceed
to prosecute the parties.

27
6.8.13 7.0.13

Should the firm still
refuse to make the supply
a prosecution wd then
be the ~~argument~~

To, the ~~27.9.13~~ in ~~11.8.13~~
judicial Dept
Limping
Signed with letter
CPI

27/9/13

