

Edd (1916) Department.

Incis SERIES.

G.O., No. 159 Edd

DATED. 15-2-16

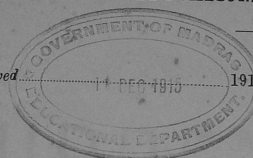
Press and Registration of Books Act [Despatch Abstract.] : Informing the Registrar of Books that the Govt. of India Notification No 5605 dated the 21st December 1871 exempts the publications mentioned therein from all the provisions of the XXV of 1867 and that the Govt. do not consider it necessary to move the Govt. of India to amend the notification.

EDUCATIONAL DEPARTMENT

F.R.D.-80/

CN: 4359 Ed

Received



Registered

11.12.1915.

Subject.

Soliciting the opinion of Government regarding
the interpretation of a Government of India Notification exempt-
ing certain publications from the provisions of Act XXV of 1867.

ENCLOSURES

No. 1

Spare copies

R.C. No. 704/15.

Station Madras, Dated the 15th November 1915.

From (Name) Rao Bahadur M.R. Ry M. Rangacharya, M.A.

(Designation) Registrar of Books

To the Secretary to the Government of Madras,
Educational Department.

Thro'

The Director of Public Instruction,

Madras.

Sir,

I have the honour to submit herewith a copy of the letter
No. 1337 D.M.5, dated 15th October 1915, from the District
Magistrate of Chittoor, interpreting the notification of the
Government of India, exempting certain publications from the
provisions of Act XXV of 1867, to mean that the publications
specified therein are exempt also from the operation of section
3 of the Act, which stipulates that certain particulars are
to be printed on all books and papers that may be issued out

of

② Every book or paper printed within British India shall have printed legibly on it
"the name of the printer and the place of printing and (if the book or paper be published by
the publisher, and the place of publication"

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of any press. Although this interpretation of the District Magistrate seems to be literally right, a scrutiny of the list appended to the notification will show at once that the intention of the Government of India is clearly to exempt those publications from the operation of only section 9 of the Act relating to the delivery of copies of books to Government for registration and other purposes. This section is intended to secure for registration and preservation such publications as deserve to be preserved in the library attached to this office; and the notification contains a list of those publications, which, as a rule, have no value as books or permanent literature of any kind and do not therefore deserve to be preserved. The notification is hence evidently meant to specify the kinds of publications which should be exempted from registration, i.e., from the operation of section 9 of the Act. Section 3 of the Act lays down that certain particulars, viz., the name of the press, the name of the printer, the place of printing, etc., should be printed on all books and papers printed within British India, obviously to make it easy for the Police or any other authority under Government to know where and by whom any particular book or paper has been printed. If the interpretation of the District Magistrate, that the publications included in the above-mentioned notification are exempt also from section 3 of the Act, is taken to be correct, there is danger of objectionable matter - obscene or seditious - being printed ^{and} ~~or~~ circulated in the form of a catalogue or annual report or almanac without the informing imprint about the press and the printer, and the task of the Police in detecting where and by whom such objectionable matter was printed and put into circulation might become very hard and sometimes even impossible.

2 According to the Act the penalty for not delivering books in accordance with section 9 is forfeiture of a sum not exceeding fifty rupees, whereas an offence committed against section 3 is punishable with fine not exceeding 5,000 rupees, or with simple imprisonment for a term not exceeding two years, or with both. This clearly

shows

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shows the more imperious and inviolable character of the obligation imposed upon printers by section 3 of the Act.

3 Accordingly, it appears to me that the interpretation put upon the notification in question by the District Magistrate of Chittoor is not quite correct, and I am of opinion that the notification is intended to exempt the publications specified therein from the operation of only section 9 of the Act. The interest of public safety and morality requires that no publication, which is issued out of any press, should be allowed to disregard the obligations imposed by section 3 of the Act. As I have, every now and then, in the course of the discharge of my duties, to bring to the notice of Magistrates, publications, which offend against the said section 3, an authoritative opinion in respect of the matter is solicited for my future guidance.

4 A copy of the Circular Memorandum containing the notification in question is also submitted herewith.

I have the honour to be,

S i r,

Your most obedient servant,

M. R. S. Pachan

Registrar of Books.

G.D.

Handwritten notes at the top of the left page, including "2111" and "1881".

Handwritten text in the middle of the left page, including "2111" and "1881".

Handwritten text at the bottom of the left page, including "2111" and "1881".

Encl. to P. 6. 704/15
of 15. 11. 15.

No. 1337 D.M. 5.

4

Office of the Dist. Magistrate,
Station: Chittoor.
Dated the 15th October 1915.

From

H. L. Braidwood, Esq., J. C. S.,
District Magistrate of Chittoor.

To

The Registrar of Books,
Madras.

Sir,

With reference to your letter Number Dis. 162,
dated the 7th September 1915 forwarding a copy of
your office memorandum dated the 15th September 1908,
I have the honour to inform you that it seems to me
from the language of the notification of the Govern-
ment of India that all publications included
therein are clearly exempt from all provisions
of the act XXV of 1867.. which seems to mean
that section 3 of the Act does not apply to them.

I have the honour to be,
Sir,
Your most obedient servant

For District Magistrate.
M. Rangachari,
Registrar of Books.

Office of the Chief Magistrate
Station: Chittoor.
B. Chittoor 16 & 17 October 1915

10 1227 B.M. 2.

Recd. to 22.12.15
12.12.15

CIRCULAR MEMORANDUM

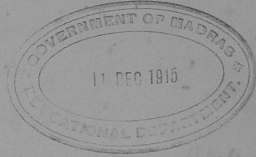
The Registrar of the District of Chittoor has the honor to acknowledge the receipt of the letter of the Government of Madras, dated 11th December 1915, in reference to the above subject, and in reply to inform that the same has been forwarded to the Registrar of the District of Chittoor for his consideration and report.

NOTIFICATION

The Registrar of the District of Chittoor has the honor to acknowledge the receipt of the letter of the Government of Madras, dated 11th December 1915, in reference to the above subject, and in reply to inform that the same has been forwarded to the Registrar of the District of Chittoor for his consideration and report.

1. Registrar of the District of Chittoor has the honor to acknowledge the receipt of the letter of the Government of Madras, dated 11th December 1915, in reference to the above subject, and in reply to inform that the same has been forwarded to the Registrar of the District of Chittoor for his consideration and report.
2. Registrar of the District of Chittoor has the honor to acknowledge the receipt of the letter of the Government of Madras, dated 11th December 1915, in reference to the above subject, and in reply to inform that the same has been forwarded to the Registrar of the District of Chittoor for his consideration and report.
3. Registrar of the District of Chittoor has the honor to acknowledge the receipt of the letter of the Government of Madras, dated 11th December 1915, in reference to the above subject, and in reply to inform that the same has been forwarded to the Registrar of the District of Chittoor for his consideration and report.
4. Registrar of the District of Chittoor has the honor to acknowledge the receipt of the letter of the Government of Madras, dated 11th December 1915, in reference to the above subject, and in reply to inform that the same has been forwarded to the Registrar of the District of Chittoor for his consideration and report.
5. Registrar of the District of Chittoor has the honor to acknowledge the receipt of the letter of the Government of Madras, dated 11th December 1915, in reference to the above subject, and in reply to inform that the same has been forwarded to the Registrar of the District of Chittoor for his consideration and report.
6. Registrar of the District of Chittoor has the honor to acknowledge the receipt of the letter of the Government of Madras, dated 11th December 1915, in reference to the above subject, and in reply to inform that the same has been forwarded to the Registrar of the District of Chittoor for his consideration and report.
7. Registrar of the District of Chittoor has the honor to acknowledge the receipt of the letter of the Government of Madras, dated 11th December 1915, in reference to the above subject, and in reply to inform that the same has been forwarded to the Registrar of the District of Chittoor for his consideration and report.
8. Registrar of the District of Chittoor has the honor to acknowledge the receipt of the letter of the Government of Madras, dated 11th December 1915, in reference to the above subject, and in reply to inform that the same has been forwarded to the Registrar of the District of Chittoor for his consideration and report.
9. Registrar of the District of Chittoor has the honor to acknowledge the receipt of the letter of the Government of Madras, dated 11th December 1915, in reference to the above subject, and in reply to inform that the same has been forwarded to the Registrar of the District of Chittoor for his consideration and report.
10. Registrar of the District of Chittoor has the honor to acknowledge the receipt of the letter of the Government of Madras, dated 11th December 1915, in reference to the above subject, and in reply to inform that the same has been forwarded to the Registrar of the District of Chittoor for his consideration and report.
11. Registrar of the District of Chittoor has the honor to acknowledge the receipt of the letter of the Government of Madras, dated 11th December 1915, in reference to the above subject, and in reply to inform that the same has been forwarded to the Registrar of the District of Chittoor for his consideration and report.

For the Registrar of the District of Chittoor,
L. E. BAYLY,
Registrar of the District of Chittoor.



N. R. C. No. 9054/15, dated 9th December 1915.

Submitted to Government.

2. The Registrar's remarks are endorsed.

B. S. Srinivasan

For Director of Public Instruction.

k.v.

Am

Have the honor to be
your most obedient servant
for District Magistrate

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NOTES.

Previous papers

13

15-1-1872

166-2-1872-3-1872

11-2-1872-11-1-01

57-2-1872-1-09

112-2-1872-2-09

245-2-1872-4-09

258-2-1872-3-09

383-1-1872-6-09

495-1-09

32-1-09

491-1-09

727-1-13

749-1-16-Police

OFFICE NOTE.

Edl.

SUBJECT.

Re: the applicability of Section 3 of the
Press & Registration of Books Act xxv of 1867
to the ^{publications mentioned in the} notification issued by the Govt. of India
in December 1871 exempting ^{them} ~~certain~~ publications
from the provisions of the Act.
From the Registrar of Books RC No. 704/158 of 15.1.1872

Register No. 4359. Edl.

Please see the Govt. of India notification
on p. 2 of G.O. No. 13 Edl. of 15.1.1872 exempting
certain publications from the provisions of the
Press and Registration of Books Act xxv of 1867.
The D^y Magistrate of Chittoor holds that the ~~above~~
publications mentioned in the notification are
exempt from all the provisions of the Act i.e.
inclusive of Section 3 which lays down that ~~the~~
every book or paper printed within British India
shall have printed legibly on it the name of the
printer and the place of printing and of the publisher
and place of publication. The Registrar of Books
admits that the interpretation is literally right,
but he holds for ^{the} ~~reasonable~~ ^(stated in paras 1 & 2 of his letter) ~~mentioned~~ ~~on p. 2 of~~
that the notification was intended to exempt the
publications specified therein from the operation
of only Section 9 of the Act. He also solicits
to be favoured with an authoritative opinion
on

on the matter for his future guidance.

It is submitted that the interpretation of the S^d Magistrate of Chittoor appears to be correct, since the Govt of India did not specifically declare that the publications mentioned therein are exempt from only section 7 of the Act. In this connection attention is solicited to the concluding portion of the Advocate General's opinion on p. 3 of G.O. No. 33 S^d of 23rd Jan. 1910, from which it will appear that the word 'exempt' was meant for the word 'exclude'. As the notification did not exclude the publications from any part of the Act, it should be interpreted that it excludes them from the operations of the whole of the Act.

Of course, as observed by the Registrar, there is danger of objectionable matter being printed and circulated in the form of a catalogue or annual report or an almanac and there is consequent difficulty in detection ^(by the Press) ^(it is said the) of such on the face of the notification there seems to be no justification for interpreting it in the manner suggested by the Registrar. It is therefore for consideration whether the Registrar may be informed ~~that~~ that the notification excludes the publications mentioned therein from the operation of the whole of the Act. There seems ^{to be} no necessity to consult the Advocate General on the subject. If so, the draft below

below is for approval

21/12/15

J.L.
21.12.15



The essential question seems to be whether the defect in the notification actually causes such difficulties to the police in dealing with objectionable literature as to make it worth while moving the Govt of India to amend the notification. Will the J.G. & Police please advise?

22.12.15

J.G. & Police u.o.

Returned U.O.

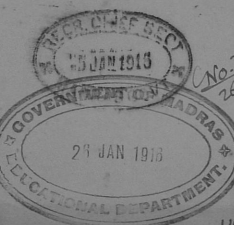
The notification, as it stands at present, has not hitherto hindered the police from taking action in regard to the suppression of objectionable literature. In these circumstances it seems hardly worthwhile to move the Government of India for an amendment of the notification.

J.L. & Isaac

for Insp.-Genl. of Police.

The Secretary to the Government of Madras,
Judicial Department U.O.

K2 T.s.s.



Colno 4359-1

22/12/15

B No 66
22.1.16

12
Ex. Dept

A draft order is submitted below for approval.

C.S.
27.1.16.

27.1.16.

Draft for a/c.

29.1.16.

H.E. (Two Hrs. per)

Box No. 5
31.1.16

I do not agree with the J.G. of Police. Suppose we have a seditious book suppressed: a man could strike off a reprint of it without any obligation to imprint on it the name of the printer and there might be difficulty in proving who printed it. Price lists & circulars might contain obscene matter. Anderson.

It is a very small obligation to require the name of the printer and I think it is desirable

H.E.

31.1.16

I do not see any serious objection to

Sir Harold Stuart's proposal. At the same time its necessity seems to be doubtful. For the Government of India notification applies only to books without additions or alterations (I presume of any kind), and Price Lists and Circulars will probably always contain the names of those responsible for them; otherwise they will be without meaning. These considerations may have been considered and may perhaps have influenced and be pointed out by the Government of India?

P
P. 2. 16.

H. R. (Rev)

9. 2. 16
9.

Box no. 2
9. 2. 16

~~The following has not been the first part of request which is the most important.~~

A reprint without alterations of any kind might be objectionable and I cannot see what possible objection there is to the ~~the~~ obligation that the name of the printer shall be imprinted on it.

But the matter is not of great importance and if His Excellency prefers to take no action I will not press my view. The weakness of the case for modifying the notification is that we can give no specific instance of any harm having been done by the exemption.

Hus
11.2.16

He

M
12/2/16

We may I think under the circumstances approve the Draft Order: so that the notification may stand as it is. Some specific case may occur.

P
12.2.

Don
14/2/16

Box 200.2
12.2.16

” ” ” ” ” 191

C. No. 4359/₁₅ From the Registrar of Books, No. 704/₁₅ dated the 16th Nov. 1915.

191

191

No. 15-9 *Elm*, dated 15-2-1916

We're

The Registrar of Books will be in-
formed that the notification of the Govt.
of India, referred to in his letter read
above, excepts the publications men-
tioned therein from the ^{all} existing provisions
of Act xxv of 1867. The Govt. ~~thereby~~
do not ^{consider} ~~think~~ it necessary to move the
Govt. of India to amend the notification
so as to restrict its application to
section ^{only} 7 of the Act. ~~For~~

28
27.1.16.
L
27.1.16

2 The Registry Books
tine the D.P. (9+0)

Copy to the D.P.I. ✓

sent on 12/24/16

29.1.16

When given for copying
When copied
When examined
When signed

10

READ AGAIN G.O., No.
12

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH NOTES.

PAPERS NOT FILED UP, BEING WANT FOR DISPATCH
IN ORIGINAL.

A A A A A A A

N.B.—

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.