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Government of Madras

HOME DEPARTMENT (EDUCATION)

G.O. No. 773, 14th June 1918

Press and Registration of Books Act, 1867

Communicating to the District Magistrate, Kistna, the opinion of the Hon'ble the Advocate-General on the meaning of the word 'paper' in section 3 of the —.

INDEXED

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Communicating to the District Magistrate, Kistna, the opinion of the Hon'ble the Advocate-General on the meaning of the word 'paper' in section 3 of the —.

READ—the following papers:—

1

Letter—from A. Y. G. CAMPBELL, Esq., C.I.E., I.O.S., District Magistrate, Kistna.

To—the Chief Secretary to Government.

Dated—Masulipatam, the 10th April 1918.

No.—R.C. 366-Magl./18-3.

I have the honour to inquire what is the exact meaning of the word 'paper' as used in section 3 of the Printing Presses and Books Act, 1867 (India Act XXV, 1867).

2. The District Superintendent of Police reported to me that copies of a notice of meeting had been printed and distributed to the public without the name of the printer and the place of printing marked thereon. I consulted the Government Pleader, Masulipatnam, on the subject and enclose a copy of his reply from which it appears that he is unable to find any ruling on the subject but is of opinion that the word 'paper' means a newspaper only. The Government Pleader apparently considers that the word 'paper' in sections 3 and 4 of the Act has much the same meaning as the expression 'printed periodical work containing public news or comments on public news' which is used in section 5.

3. As the matter is of some general importance, I have the honour to request that I may be informed whether the interpretation of the local Government Pleader is correct.

ENCLOSURE

Letter—from the Government Pleader, Masulipatam.

To—the District Magistrate, Kistna.

Dated—the 30th March 1918.

No.—261.

With reference to your A.O. No. 366-Mag/18-3, dated 24th/26th February 1918, I have the honour to state that from the words in the preamble and the heading of Part II and the tenor of the sections in Act XXV of 1897, I am of opinion that the word 'paper' in section 3 means a newspaper and not every printed paper and the names of the printer and the publisher are not necessary to be printed on the notice in question. I have not been able to find any rulings on the subject.

2. The copy of the notice sent to me is herewith returned.

II

Memorandum No. 922/B-1, Home (Education), dated 14th May 1918.

The letter from the District Magistrate of Kistna, R.C. No. 366-Mag/18-3, dated 10th April 1918 is forwarded to the Hon'ble the Advocate-General with the request that he will favour Government with his opinion on the question raised therein.

R. RAMACHANDRA RAO,
Secretary to Government.

To the Government Solicitor.

III

Letter—from H. BRIGHTWELL, Esq., Government Solicitor, Madras.

To—the Secretary to Government, Home (Education) Department.

Dated—the 30th May 1918.

No.—683.

ABSTRACT.—Forwarding the following opinion of the Hon'ble the Advocate-General, dated 29th May 1918:—

OPINION.

In my opinion, the meaning of the word 'paper' in section 3 of the Press and Registration of Books Act, 1867, is not restricted to 'newspaper'. One of its meanings is no doubt 'a printed sheet appearing periodically, a newspaper'; see the Oxford Dictionary, Webster's Dictionary and Anderson's Dictionary of Law. But it has also a very wide signification; for it means, 'a printed or written instrument; a document, essay, or the like; a writing'—Webster's Dictionary, Worcester's Dictionary, the Oxford Dictionary and 29 American Cyclopædia. I think in this, its more extensive sense, the word is used in sections 3, 4 and 12 of the Act.

Section 3 of the Act was evidently taken from the English Statute of 1839, 2 and 3 Vict., c. 12. It is clear from the provisions of that Statute and the provisions of earlier Statutes, 39 George 3, c. 79 and 51 George 3, c. 65, especially from the exemption of certain classes of documents contained therein, that the word 'paper' was used in those Statutes in its more general sense and not in the restricted sense of a newspaper. 'Paper' in section 3 must, I think, receive the same interpretation.

Secondly, the words 'any press for the printing of books or *papers*' occurring in section 4 makes it clear that the printing press which is regulated is one which prints *papers* or books and not simply a press which prints a paper.

Thirdly, the expression in section 5 'printed periodical work, containing public news or comments on public news' means, of course, a newspaper. Not only is it the dictionary meaning of the word 'newspaper' but it is its definition in the Indian Press Act, 1910. This expression or the word 'newspaper' would have been employed in section 3 if the intention of the legislature was to confine the scope of section 3 to books and to newspapers only.

Lastly, the form of declaration prescribed by section 4 indicates that sections 3 and 4 deal only with the regulation of printing presses and not with the regulation of books or periodicals containing news. The declaration is to the effect that a person has a press *for printing* at a particular place. It does not say for printing books and newspapers only. The Act provides as seen by the preamble (1) for the regulation of printing presses, (2) for the regulation of periodicals containing news, (3) for the preservation of copies of books printed or lithographed and (4) for registration of such books. Sections 3, 4, 12 and 13 are concerned with the regulation of printing presses. Sections 5 to 8 and 15 provide for the regulation of newspapers. Sections 9 to 11 and 16 provide for the preservation of copies of books. And the registration of books is provided for by Part V of the Act. The heading of Part II 'of printing presses and newspapers' shows, I think, that sections 3 and 4 deal with the printing presses and not so much with newspapers or books. Neither the preamble nor the heading of Part II supports the restricted interpretation of the word 'paper' but on the other hand the light furnished by them as well as by the various provisions of the Act is in favour of the wider meaning of the word 'paper', though the exemptions provided in the English Statutes are not found in the Indian Act.

In my opinion, therefore, the expression 'every paper printed' occurring in section 3 means, 'every instrument or document or writing other than a book.'

Besides newspapers it will include, for instance, letters, circulars, leaflets, notices, notifications, proclamations, examination papers, bills and posters, bills of exchange, promissory notes, bonds, deeds, agreements and all other printed sheets which involve written composition. But I doubt, for instance, whether it includes cards containing merely the name and addresses or profession of person or luggage labels containing names of places only or slips of paper on which numerals or patterns are printed.

S. SRINIVASA AYYANGAR,
Advocate-General.

Order—No. 773, Home (Education), dated 14th June 1918.

The opinion of the Hon'ble the Advocate-General on the meaning of the word 'paper' in section 3 of the Press and Registration of Books Act, 1867, is communicated to the District Magistrate, Kistna, with reference to his letter R.C. No. 366, Magl./18-3, dated 10th April 1918.

(True extract)

R. RAMACHANDRA RAO,
Secretary to Government.

To the District Magistrate, Kistna.

Copy to all other District Magistrates.

" the Director of Public Instruction.

" the Registrar of Books.

" the Public (war) section.

Communicating to the S. H. Magistrate, District,
the opinion of the Honble the Advocate General
on the meaning of the word "paper" used in Sec 3 of
the _____.

” ” ” ” ” 191

C. No. 922B, From the *Dist. Magistrate, Kistna*, No *Rec. 366-*, dated *10.4.1918*

77 77 1156B 77 77 from do 77 683 77 30-52-1918

No. 773, dated 14-6-1918

(notes not to be printed)

The opinion of the Honble the
Advocate General on the meaning
of the word "paper" ~~inserted~~ in
Section 3 of the Press and Registration
of Books Act, 1867, is communicated
to the District Magistrate, Kistna,
with reference to his letter No 366.
Mach. 14. 3 dated 10th April 1918.

20.

The Dt. Magistrate, Kishna

Copy to all other Dist. Magistrates.

u the D. P. I

2. Register of Books.

" Public (War) Section

ver
7. 128

Te

762

Q
11.6.20

May 13 67 10

(N.B. for E.T.)

Public Dept.

Definition of the word 'Paper' in
Section 3 of the Press & Registration
of Books Act, 1867.

(Ct. 1227) From the D-M, Kistna, Re. No 366-Mag. 18.

Dated 10.4.18.

The question in this case is one under
the Press and Registration of Books Act, 1867,
which is administered in Home (Education)
dept.

2. Attention is invited to the portions
marked A in the letter from the Commissioner
of Police printed on pages 6-7 of G.O. 760
but of 9.6.17. The prosecutions in those
cases were for printing Cards without
printing thereon the name of the press.
Contrary to Sec. 3 of the Press & Registration
of Books Act, 1867. The case reported by
the Supdt. of Police, Kistna. — para 2 et. — is
similar to those cases. Attention is
also invited to the notification issued
by the Govt. of India exempting railway
tickets from the operation of Sec. 3 of the Act.
— vide page 1 of G.O. No. 29 (Pt. II) of 10.1.16.
~~And the case is transferred to~~
~~the Education for disposal~~

From these it would appear that the

term 'paper' in section 3 of the Press and Registration of Books Act, 1867, includes not only every "periodical work containing public news or comments on public news" but also every printed paper which has not been specially exempted from the provisions of that Act. It is held that the file may be transferred to Home (Educational) for disposal.

ML
24.4.18

CM
26.4.18

It is quite clear that the view of the Hon. Secy. Pleader is wrong.

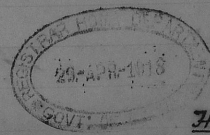
AM
24.4.18

Pub no: 1227a-1
24/4/18

Home (1885)
CM 922 B
25.4.18

20/5

Home (1885)



Home (Edn) Deptt

As observed by the Public (Law) Deptt the word 'paper' occurring in section 3 of Act XXV of 1867 would cover every printed paper which has not been specifically exempted from the provisions of the said Act. As however the Govt Pleader, Manipalpatnam takes a different view and as the question is one of general importance, the

Advocate

* cf notes in pages 2 & 3
of G.O. No 1122 of 25.2.09 (M)

For a list of papers re. exempted, please see notification of G.O. No. 5604 of 21.12.78 on page 353. Vol II of Genl. Statute Rules & Orders, and similar notifications issued by the G.O. from time to time.

Advocate General's opinion may be obtained. A draft memorandum is submitted for approval.

Tel
11.5.18

A
11.5.18

W. J. S. J.

[Issued as Memo No 922B-1 dated 14.5.18]

11.5.18 CIVO 1156B

From The Govt. Solicitor No. 683 dated 30.5.1918

For the Registrar

The Honble the Advocate General's opinion on the interpretation of the word "paper" ~~as used~~ in Sec 3 of the Press and Registered of Books Act XXV, 1867, is an 555-6 of ~~the~~ ^{of the Adv. General} ~~opinion of the Adv. General~~ ^{of the Adv. General} ~~is not correct~~. The opinion may be communicated to the ^{of the Adv. General} ~~Registrar~~ ^{Registrar} Krishna with reference this letter n/p 1-2 of and also to all ^{of the Adv. General} ~~the~~ ^{the} Registrar of Books and the D. P. I.

2 A draft Order is submitted for approval.

vel
7.6.18

A
11.6.18

Tel
7.6.18

Once the Advocate General's reasoning is adopted, I do not see how he excepts

NOTES.

2 Page 4

Visiting cards &c. Nor is it usual
to print the names of printers on
examination papers &c.

The opinion may be communicated
as an exposition of existing law;
but doubtless the penal provisions
will be enforced with discretion.

May
13/6/18

H. B. the Governor.



74 JUN 1918

Issue
May
14/6/18

ORDINARY.

PRESS SLIP.

PREFERENCE.

URGENT (C)

Scott. II—38—2-15.

Home (Eg) DEPARTMENT.

Current No. 9224 dated 10-4-1918

G.O. No. 773, dated 14-6-1918.

Number of MS. pages sent { Correspondence... 7
(b)
(b)
Notes...

Brief subject... Press and Reg. of Books. Act

(a) Number of copies required when struck off (not including copies for volumes and editors' tables which are retained in the Press).	(b) E. I. copies to supply requisitions for purchase by the public.	Complete correspondence and orders.	Notes.
For Record.*			
Madras Records	4	20	
Ooty Records		4	
For filing with original		7	
Total		28	

For Issue.†

	Letter only.	Complete G.O.	(b) Special issue copies of G.O.		Notes.
			No.	Papers.	
Signature copies.					
India Office.	4				
Govt. of India.					
Revenue Department					
Public Works Department					
Local and Municipal Department					
Educational Department.					
Public Dept.					
Judicial Dept.					
Political					
Financial Dept.					
Marine Dept.					
Ecclesiastical Dept.					
Total					

Spare copies

The...	4			
The...	5			
The...	1			
The...	10			
The...				
The...				
The...				
The...				
The...				
The...				
The...				
The...				
The...				
The...				
The...				
Total	94			

INSTRUCTIONS FOR THE SECRETARIAT.

(a) If a paper is marked to be printed urgently, the Superintendent of the section concerned should sign the Press slip. The Superintendent should exercise a careful discretion in the matter.

(b) Each letter, memorandum, or order, or set of orders, in the file of correspondence should be headed in succession with the Roman numeral I, II, III, etc., the number being written in red ink or blue chalk above the item. The particular papers to be printed in the special issue-copies should be indicated by the Roman numeral (I, II, etc.), by which that item has been headed in the correspondence file. All matter, including marginal remarks or references, to be printed should be written in ink and matter which should not be printed should be encircled. Initials and signatures that are not quite legible should be re-written distinctly.

(b) For rules regarding printing of notes, see rule 815 of the office Manual.

(c) The number of copies and the details of distribution should be filled in by the Superintendent or Referencer concerned.

(d) In the absence of special instructions to the Press to keep matter standing for a specified period, ordinary papers of 8 pages and under will be kept standing for one week, and larger papers for two weeks only. The type of notes and of all confidential papers is distributed immediately after striking.

(e) This slip, properly and completely filled in, should accompany every paper sent to Press; it will be returned by the Press when proofs are furnished; it should be sent to the Press when a call is made for revised proofs or when a corrected proof is sent for striking. When finally returned by Press it should be filed with the original order or letter.

INSTRUCTIONS FOR THE PRESS.

(a) If, in the opinion of the Superintendent of the Press, a paper has been marked urgent unnecessarily, he should send the Press slip to the Registrar with a remark to that effect.

(b) Unless a note to the contrary is made against the matter, pencil entries should not be printed. The Superintendent of the Press may bring to the notice of the Registrar any instance of incomplete or careless editing.

(c) Signature copies of letters to the Secretary of State or to the Government of India should be printed on hand-made paper.

(d) This slip should be returned by the Press to the Secretariat when proofs are furnished; it will be sent back to the Press when proofs are returned corrected and should be finally returned to the Secretariat when struck-off copies are supplied.

(e) The names of the Secretary and Members should be printed in full when they occur on the right hand side, only the first time when they appear on the left side, the initials alone being printed later.

* Copies distributed on (C) (Press Clerk).

† Copies distributed on (C) (Press Despatcher).

To be initialled and dated.

P.T.O.

TO PRESS, MADRAS OOTY.

A

Please send proof in duplicate. The papers have been carefully edited.

B

Proof returned corrected. Please strike off and send number of copies as indicated.

Type may be released after usual interval at once.

Referencer.
Clerk.

Supdt.

C

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.

Referencer.
Clerk.

Supdt.

SPECIAL INSTRUCTIONS.

Notes are not to be printed.

TO BE FILLED IN BY THE PRESS.

Diary.	Initials of Press official.
Received in Press on.....	
First proof furnished on.....	
Call for revised proof received on.....	
Revised proof furnished on.....	
Corrected proof received for striking on.....	
Final copies supplied on.....	

Account of copies.	Complete copies.	Notes.	Issue copies.	Special E.T. edition
Supplied to Secretariat for Record.....				
" " " Issue.....				
" " " for Extra E.T. copies to supply requisitions for sale to the public.				4
For Volumes.....				
For supply to newspapers and institutions admitted to the privileges of the E.T.				
Total ...				