72

Sectt. II-27—80,004—17-11-48

E.&.P.H. (1949) Department.

SERIES.

1

G.O. NO. Ms.1725 Edn.

Dated 26-5-49. 26-5-49

9

38

[Despatch Abstract.]

Copy right - Govt.document -infrigement by Sri C.V.H.Rao -

Papers recorded.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Dev. (P&D III) Dept.

②

Letter No. 98316 P&D III/48-2 dated 22.9.48

will be filed before issue

Dvd 23/9/48.

To
The Editor,
"Commerce" Ltd.,
Royal Insurance Buildings,
Churchgate Street, Fort., Bombay.

Sub: Iron and Steel Industry in South India - Article in "Commerce" dated 21st August 1948 by one C.V.H. Rao.

...

say that as the Govt are anxious to contact Mr. Rao, his full

I am to invite ~~your~~ attention ~~of~~ to the article by C.V.H. Rao on "An Iron and Steel Industry in South India" at p. 380 of the "Commerce" dated 21st August 1948, and to ~~request that the full~~ name, and ~~the~~ address ~~of C.V.H. Rao~~ may be communicated to ~~this Government~~ the undersigned as early as possible. I am also to enquire whether any ~~inform~~ honorarium was paid to Mr. C.V.H. Rao for contributing this article in your publication, and if so, how much.

R-D. 15/x/48

13.9.48 13/9/48 13.9.48 14/9

Y.F.

3

104232 P&D III/48
29.9.'48

(3)

COMMERCE

ESTD. 1910

A WEEKLY REVIEW OF INDIAN FINANCIAL
COMMERCIAL AND INDUSTRIAL PROGRESS

TELEGRAMS:
" ECREMMOC "

TELEPHONE:
25036 & 22097
No.21105—SECRETARY

POST BOX No. 840

"COMMERCE" (1935) LTD.
ROYAL INSURANCE BUILDINGS
CHURCHGATE STREET

JOINT SECRETARY TO GOVERNMENT
29 SEP 1948
DEVELOPMENT DEPARTMENT

BOMBAY, 27th September, 48

Ref. No.

Dear Sir,

We have your letter No.98316 P & D III/48-1 of the 22nd inst. and, in reply, we give below* the address of Mr. C.V.H. Rao. We did pay an honorarium to Mr. C.V.H.Rao amounting to Rs.25/-

*C.V.H.Rao, Esqr.,
11 Monteith Road,
Egmore, Madras.

Yours faithfully,
R.V.
Editor

K.G.Menon, Esqr.,M.B.E.,I.C.S.
Joint Secretary to Government of Madras,
Development Department
Fort St. George,
Madras.

Ⓐ 5/

Copy of letter Ref.No. Nil dated 10th January 1949 from R.V. Murthy, Editor of "COMMERCE", A weekly review of Indian Financial Commercial and Industrial Progress to the Chief Secretary to the Government of Madras, Madras.

Re: Articles in " Commerce," by Mr. C.V.H. Rao.

We have your letter(confidential)No.S/6021-2-48 dated the 3rd inst.,

We have to point out to you that the copyright in respect of the articles under reference has not been claimed by Mr.C.V.H. Rao, the writer of the articles, as you suggest, but by us, as we have paid the author for these articles and have, therefore, obtained the copyright thereof. In these circumstances, please note that it is not the copyright of Mr. Rao that is now in question but ours, and we maintain that that copyright cannot be questioned, whatever may be the copyright claim of Mr. Rao.

However, in view of what you state in para 2 of your letter, we are prepared to allow~~a~~ you to use the articles in any of your official publications, without any obligation but only subject to your acknowledging the source to be " Commerce".

(True copy)

6

7

F.&.P.H. Dept. (G3)

Memo: 9 2002/G3/48-4. Edu. d. 22/2/49

Subject: Copyright - Govt. document - Infringement.

Confidential

Sri C.V. Hanumantha Rao formerly Director of Information and Publicity under the Government published an article under the caption "An iron and steel industry in South India", over his name, in the Weekly Journal "Commerce" in its issue of the 21st August 1948. The article contains more or less verbatim reproductions from a note on the subject prepared in the Development Department of the Secretariat and sent to Mr. Hanumantha Rao for publicity purposes, when he was the Director of Information and Publicity. The Editor of the journal has stated that Mr. Rao was paid an honorarium of Rs 25/- for the article and claims that the copyright of the article vests in the journal.

p-380 of the Journal. Kept below

(A)

p 3 of

p 5 of

2. When it became known that the article contained the very suggestions made in the Secretariat note and that the ~~very~~ words of that note were used in making those suggestions, the Government considered the question of taking action against the writer under the Official Secrets Act. On examination it has been found that action under the Official Secrets Act is not feasible as the Secretariat note used by Mr. Rao was not marked "confidential". It has, however, been suggested that as the use of the Secretariat note for the purpose of that article constituted not only a piece of plagiarism but a misuse of material sent to ~~[illegible]~~ Mr Rao for official purposes, when he was in office, the question of taking action against him for the infringement of the copyright in a Government document should be pursued. This suggestion is based on the view that the copyright in the Secretariat note adverted to, subsists in the Government with reference to section 18 of the British Copyright Act, 1911, that Mr. Rao by his use of that note in the manner mentioned above has infringed the copyright in that note (section 2(2) of the British Copyright Act) and that as the infringing copy has been made by the author and as the acticle in question was sent for publication and remuneration was received therefor, it

Dev. note on p-7 of

p 25 of the Act

p 15 of the Act

8

can be presumed that the infringing copy was made for sale and that it will be possible to bring the case within the purview of section 7 (a) or (b) of the Indian Copyright Act, 1914. It has been pointed out in this connection that questions relating to jurisdiction are likely to arise as to where the infringing copy was made and as to where it was sold. With regard to these questions it is for consideration whether, as the author is living in Madras and very probably sent the article for publication from Madras itself, the Government may not proceed on the assumption that the sale took place in Madras leaving it to him to raise questions as to jurisdiction, if the facts are otherwise.

Copy of Act p7 of 12

- Legal note on p10 nf

- Secy's note in the margin on p11 nf

3. The points for consideration are --

(i) whether the views expressed in the previous paragraph are correct, and if so,

(ii) whether a prosection if launched by the Govt. in the case, will be successful, ~~oven~~ on the material now before Government, and

(iii) whether any further information is required for the launching of the prosecution and if so, on what point or points, it is necessary.

The Advocate-General is requested to advise the Government on these and other connected points.

4. A copy of the Journal "Commerce" containing the article of Mr. Rao and a copy of the Secretariat note used by him are forwarded for reference and return.

Placed below (A)

20.2.49

21-2-49

To ✓

The Govt. Solicitor

(with encls)

Despd. (with encls. (2))

22/2/49

9

(6)

CONFIDENTIAL & URGENT.

From

H.M.Small Esq., O.B.E.,
M.A., LL.B.,
Government Solicitor,
Madras.

To

The Secretary to the Government
of Madras,
Education & Public Health Dept.,
Fort St. George, Madras.

No. 918. Dated 4th March 1949.

Sir,

Copyright - Government document - Infringement.

18040

pages 7-8 [illegible]

With reference to your memorandum No.92002/G3/48-4, Edn., dated 22nd ultimo I now enclose for your information copy of a letter dated yesterday's date received by me from the learned Advocate-General and shall be glad if you will furnish the information asked for therein to enable him to give his opinion in the matter.

RV

Yours faithfully,

H. M. Small

Government Solicitor.

7 MAR 1949

11 ⑦

COPY.

CONFIDENTIAL & URGENT.

From Sri K. Rajah Iyer,
Advocate-General,
~~H.M. Small Esq., O.B.E.~~,
~~B.A., LL.B.~~,
~~Government Solicitor~~,
Madras.

To

The Government Solicitor,
High Court,
Madras.

Ms.Nos.Op.No.7-1 dated 3-3-1949.

Sir,

Copyright - Government document - Infringement - Memorandum No.92002/G3/48-4 Edn., dated 22-2-1949, Ed. & P.H.Dept.

Before offering my opinion in the above matter, I wish to have information on the following points:- Ⓐ

1. What were the instructions given to Mr.Hanumantha Rao in regard to the publication based on the Secretariat note?
2. Was there any specific direction that he should publish the article only in Government Publication and not elsewhere?
3. Was there any publication in any form of the material contained in the note either in the Government Publication or in any other newspapers?
4. What material is there to show that Mr.Hanumantha Rao bargained with "Indian Commerce" for sale? Did he stipulate for any honorarium or was it paid to him subsequently as a matter of courtesy?

sd.K. Rajah Iyer,
Advocate-General.

⑧

E&P.H (G/2)

Letter Ref. 9200 2/G2/48-5 Edn.d. 19.8-49

Despatch ~~[illegible]~~
19/3

Despatched 9918

To

The Editor,
"Commerce",
Royal Insurance Building,
Church Gate St.
Bombay.

I am directed to refer to your letter of the 27th Sept. 1948 in regard to the publication of

p-3 g.

14

2

an article on "An Iron and Steel Industry in South India", by Sri C.V.H. Rao, in the issue of your journal dated the 21st Aug. 1948 and to ~~request~~ ~~you to~~ ask whether the honorarium of Rs 25/- which was paid to him for the article was paid to him on his prior stipulation for it or whether the payment was made subsequently as a matter of courtesy.

I am to request that a reply may kindly be sent to this letter at your earliest convenience.

7 . 3

14.3.49

15/3/49

15/3/49

To J.S.
J.H.
1/4

15

G2

(9)

COMMERCE

ESTD. 1910.

A WEEKLY REVIEW OF INDIAN FINANCIAL
COMMERCIAL AND INDUSTRIAL PROGRESS

TELEGRAMS:
"ECREMMOC"
TELEPHONE:
25036 & 22097
No. 21105--SECRETARY.
POST BOX NO. 840

"COMMERCE" (1935) LTD.
ROYAL INSURANCE BUILDINGS,
CHURCHGATE STREET,

Ref. No.

BOMBAY 28th March, 1949

JOINT SECRETARY TO GOVERNMENT
EDUCATION
1-APR 1949

25450

P. a/w 13-14 ante

Dear Sir,

In reply to your letter No.92002/G2/48-5 Edn dated the 19th inst. we have to inform you that it is customary for any newspaper to pay for an article which it accepts for publication, irrespective of any prior stipulation. In the case of working journalists in particular, it is always presumed that, when an article is sent, it has got to be paid for if published. You will, therefore appreciate th t there was no question of prior stipulation, although there are occasions when we specially commission persons to write on particular subjects and stipulate the precise remuneration to be paid.

Yours faithfully,

Editor

M.V. Subramanian, Esqr., I.C.S.
Secretary to the Government of Madras,
Fort St. George,
Madras.

(10) 17

2 & P. H. (92)

C. 92002/48

p 9 n.f.

From the Govt. Solicitor No ~~11~~ 918 dated
4. 3. 49.

Confidential

Memo. 92002/gr/48-7 Edn. d 5/4/49

Sp. Secy
5/4

Copyright - Govt. document - infringement -

The points raised by the Advocate General in his note ~~ap~~ enclosed to the Govt. Solicitor's letter cited above are answered seriatim as follows:—

p 11 n.f.

p: 17 n.f.

(A)

(1) The Secretariat note on the Salem iron ores was prepared by the Development Dept. in connection with a discussion with the Representatives of Messrs Elektro Kemisk of Oslo, Norway in February 1948 regarding the setting up of an iron and steel industry. A copy of the note was sent to Mr Hanumantha Rao, who was then the Director of Information and Publicity, for releasing to the Press the information contained in the note. No further instructions were given to the Director of Information and Publicity. The contents of the note appeared in the local dailies.

p 18 n.f.

(2) No written instructions were conveyed to Mr Rao on these lines

Pinies
(3) The following publications contain some of the material contained in the note:-
(a) Salem District Gazetteer
(b) Iron and Steel Industry in South India by Major R.H. Mohan
(c) G.O. No. 4832 Development dated 11th Nov. 1944 (published in the Fort St. George Gazette.

— p18 n.f

— not put up.

The note also contains material gathered from certain unpublished Govt. documents.

(4) A copy of a letter dated 28th March 1949 from the Editor of the "Commerce" is enclosed for information as regards the points raised here.

— p15 f

UD
2.4.49.

4-4-49

5/4

To
The Govt. Solicitor
(with a copy of a letter from the Editor 'Commerce' Dt 28-3-49)

p15 f

Ad W.E.
5.4.49

G2

(14)

Confidential.

From

H.M. Small Esq., M.A., LL.B.,
Government Solicitor,
Madras.

To

The Secretary to the Government
of Madras,
Education & Public Health Dept.,
Fort St. George, Madras.

No. 1609. Dated 11th April 1949.

Sir,

Copyright - Government document - Infringement.

28807

p7-8 ante

With reference to your memorandum No.92002/G3/48-4 Edn., dated 22nd February last with its enclosures, which I return herewith, I now enclose in original confidential opinion No.16 dated today's date of the learned Advocate-General, Madras, on the points referred to him.

p11-22 infra

Yours faithfully,

RV

H. M. Small
Government Solicitor.

1610. Copy for information to The Secretary to the Government of Madras,
Legal Department,
Fort St. George, Madras.

CONFIDENTIAL

No.16. [illegible] K

OPINION.

Sub: Copyright - Government document - Infringement.

Ref: Memorandum No.92002/G3/48-4 Edn., dated 22-2-1949, Education and Public Health Department. p 7-8 ante

I am of opinion that the Government had a copy right in the note prepared by it (vide section 18 of the Indian Copyright Act). But the Government had placed the note in the hands of Mr.Hanumantha Rao for purposes of giving publicity through the press and the article had been published in local dailies. The details contained therein have been made public and in pursuance of the object of the Government that the public should be acquainted with it.

No doubt Mr.Hanumantha Rao had included the note bodily in the article which was published in 'Commerce', but considering the purpose of the publication and the directions of the Government in that behalf, it is too much to say that the Government still intended to reserve their rights to the copyright in ~~them~~ the note. In any event the court may not consider that Hanumantha Rao intended to infringe the copyright but that he thought that by sending the article for publication as he did, he was only fulfilling the very object and purpose of the Government in preparing the note viz., wide publicity to the general public. A

p 15 ante As stated by the Editor, 'Commeree', the payment made to Mr.Hanumantha Rao was done in the usual course of business without any prior stipulation therefor. Though Mr.Hanumantha Rao might have expected to be paid for the article, he did not stipulate in advance for any such remuneration. It cannot be

22

-2-

said that the infringement was made for purposes of 'sale' within the meaning of section 7(a) or (b) of the Indian Copyright Act.

I am, therefore, of opinion that in the circumstances, there has been an abandonment of the copyright by the Government and the action of Mr.Hanumantha Rao in the circumstances would not amount to an infringement of the copyright for purposes of sale. A prosecution, if launched, therefore may not be successful.

Madras.
11-4-1949.

Advocate-General.

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(13)

Dev. C. no 98316 P&D III
13.9.48

"Iron and Steel Industry in South India" - Article in "COMMERCE" dated 21st August 1948, by one C.V.H. Rao.

...

A.S.

Please see the article by C.V.H. Rao at p. 380 of the "Commerce" dated 21st August 1948.

put up below-

The article is more or less a verbatim reproduction of a note prepared in Development Department some time ago on ~~a~~ the prospects of an Iron Industry in South India and sent to the Government of India, to enable them to examine the possibilities of setting up of ~~an~~ a steel plant in Madras. It is not known who this C.V.H. Rao is and how he has come in possession of this information for him to reserve a right of publication. Presumably the person is Mr. C.V. Hanumantha Rao, the former Director of Publicity to whom copies of the note prepared in Development Department were furnished ~~to him~~ at the instance of the Joint Secretary for release to the Press. The details found in the note were then published in the Local dailies. If C.V.H. Rao is the person who was formerly the Director of Publicity, it does not seem ~~to be~~ proper that he should now contribute this article (which is more or less a verbatim reproduction of the note) under his name with rights of reservation. Before taking further action on the matter, it may first be ascertained from the Journal who this C.V.H. Rao is, and ~~the circumstances for the publication of~~ whether he was paid any honorarium for this article. Subject to orders a draft letter is put up. Public and P.W.D. may see before issue.

+ put up at (A) below

+ At 'M' on p 380 of the Commerce

K

UNDER SECRETARY
3659
18 SEP 48
DEPARTMENT

13.9.48.

13/9/48.

13.9.48

J.S.

This is not only plagiarism, but misuse of official papers. I doubt if the paper will give us the details, but we may try.

14/9

Pub (Press)

Dev. U.O. No: 98316
P&D III/48-1
14.9.48
(with "Commerce" dated 21.8.48.)

2

Pub (Gl) B.

The draft letter to the Editor of the "Commerce" may be perused and the file passed on to P.W. (I & P).

FOURTH ASSISTANT SECRETARY ... DEVELOPMENT DEPARTMENT
21 SEP 1948

15-9-48

15-9-48

16.9.48

I & P

Pub (Genl. B)
No. 3659/48-1
17-9-48

P.W. (I & P) Dept
~~[illegible]~~

The draft letter placed below may be perused and the case returned to the Dev. Dept.

Rao
20.9.48

4073.

20.9

Dev 101370.
Dev (P&D III) Dept.

P.W. (I&P) UO
No. 4073/48-1
20.9.48

A.S.

Notes of Public (Gl) B and P.W. (I&P) above.
The draft letter may now be issued.

21.9.48. 21.9.48

22.9.48

[Issued as Letter No: 98316 P&D III/48-2. dated 22.9.48] p 1 CF

From the Editor, Commerce, Bombay dated 27.9.48. p 3 CF

Please see the letter from the Editor, Commerce, Bombay on p 3 c.f. The Editor has furnished the address of C.V.H. Rao, who had reserved a right of publication of the article at p 380 of the 'Commerce'+ dated 21st Aug '48. It is orally ascertained from the P.W.D. that the address furnished by 'Commerce' is same as that of C.V. Hanumantha Rao, former Director of Publicity. The Editor of the Commerce has also stated that the journal had paid an honorarium of Rs 25/. for orders.

r p3cf.

+ put up below

29.9.48 29.9.48 J.S. Pub. may see for further | A

G3 ASW (14) 3

A/ action

Hs
Pub.

Dev. U.O. No: 98316 P&D III/48-3
1.10.48

Pub (Gl) B.

A on pp. 2-3 ante: A

Sri C.V. Hanumantha Rao is no ~~more~~ longer in Govt. service. It seems therefore, no action can be taken against him under the G.S.C. Rules, since they do not apply to him.

UNDER SECRETARY
4 OCT 1948
3860

not put up.

The information contained in the article — vide p. 380 of the "Commerce" put up — seems to have been treated as "confidential" in the Dev. Depts. If so, necessary action can be taken A against him under the Official Secrets Act.

Ascertained informally from Dev. Dept.

not put up

With reference to M on p. 380 of the issue, E & P.H. may see since the Copy Right Act is being dealt with by them.

Thro' Section (S.C.)
5.10.48

5/10/48

5.10.48

5/10/48

A above: Extracts may be taken by S.C. for further action

Pl come up
5.10.48

6.10.48

CS

6/x

Seen

18 OCT 1948
75679

3 OCT
GOVERNMENT OF MADRAS

Public (AC)

Refce. orders above.
Extracts have been taken for further action. The file may ~~now~~ be ~~returned~~ passed on to ~~Dev.~~ E & P.H. Dept

Public (AC) No.
No. 5/5220-1/48
7/x/48

6/x 6/10/48

7.10.48 EPH

4

E & P.H.(G3)Deptt.

The case relates to the unauthorized use by Mr. C.V.H.Rao previous Director of Information and Publicity of Development note, in an article in the Bombay weekly "Commerce", has been suggested that action should be taken against Mr. Rao der the Official Secrets Act, in respect of this offence. E & P.H. e not concerned with this suggestion.

2. E & P.H. are concerned with the copyright, in respect of e article. Mr. Rao's article in the journal, no doubt, has a ote under it: "All rights reserved." It is clear that this eservation of rights is meaningless as the author has no ights at all, in respect of an article which is ~~but~~ more or less a verbatim opy of an official note. It is not quite clear what point to be considered here apparently ublic want E & P.H. to consider. If the point is that the copyright respect of the document used belongs to the Govt. and that Mr. Rao has using it in an article under his own name has ~~committed~~ Committed an fence under the Copyright law, the questions will arise (i) whether e copyright ~~is to be applicable to~~ subsists in a departmental note and (ii) ether even if ~~the~~ copyright ~~Act applies~~ subsists, there has been an infringe- nt of the copyright in this case.

3 As regards the first question, it is seen that though section 1 the ~~British~~ Copyright Act, 1911 provides for copyright, in rms, to "original, literary, dramatic, musical and artistic works", ction 18 of that Act vests in His Majesty the Copyright in a te prepared by a Govt. department. So copyright in the note longs to Govt.

On the further question whether Mr. Rao has infringed the pyright by his use of the office note referred to, attention invited to proviso(i) to section 2(1) of the Act. Mr. Rao's use the official note could be deemed to be "fair dealing" within the aning of this section, if he had taken Govt's permission and d not reserved to himself the rights in respect of the article. On the other hand it is seen that the details of the office note were released to the Press and were published in the local dailies when Mr. Rao was the Director of Information & Publicity. In view of this fact, and as the information contained in the note was made available to the public, it is doubtful whether, even if

Ⓐ

p 12-13 of the Copyright Act [illegible]

p. 25 [illegible]

p 14 of this will not cover use of the author whether [illegible] by [illegible] be followed of the article [illegible] and claim of copyright in it [illegible]

---

(13)

5

if there was an offence, it was a serious one so far as the copyright law is concerned. If it is held that Mr Rao has infringed the copyright of the Govt. in this case, he will be liable for ~~[illegible]~~ action under Sec. 7 of the Indian Copyright Act, 1914, which provides for the imposition of a fine.

4. Legal may advise on the point in connection with the Copy Right Act.

[illegible]
9.11.48

[illegible]
10-11-48

S Legal
11/11/48 Legal

I think the author constitutes an offence under the Act. Besides being a [illegible] piece of plagiarism, it is a case of misuse of matter that he obtained [illegible] office. I think he must be prosecuted. If, however, it is decided to proceed against him under the Official Secrets Act, prosecution under the Copyright Act would not be necessary.

M,

(Bot)

[illegible]
4/11

E&P.H. U.O. No.
75679/G3/48-1
11.11.48.

6

13299 e

ASSISTANT SECRETARY
12 NOV 1948
LEGAL DEPARTMENT

Sealed Cover

Legal U.O. 13299/48-1
15/11/48

Recd in the 19/11/48 [illegible]

8899

16 NOV 1948

E&P.H. U.O. No
75679/G3/48-2
17/11/48

LEGAL DEPARTMENT

Prima facie there appears to be an infringement of copyright in this case. But attention is invited to the decision of the Privy Council in A.I.R. 1933. P.C.26, where in an action for breach of copyright of a book, much stress was laid by the plaintiff upon similarities with regard to the plan of the book, the scheme, phraseal identities and certain mistakes and it was held that such actual coincidences as existed were quite explicable on the ground that both the authors had to rely on common sources. Development may kindly verify whether the identity of passages is due to reliance upon a common source.

[illegible]
15.11.48 E & P.H.
D Devt

~~E.P.H.~~ (G3)

Legal note above may be perused and the case returned to Devt.

[illegible]
16.11.48

[illegible]
16/11/48

S [illegible] 17/11/48 Dev.

93

Dev (P&D III) Dept.

(This department last noted on p.2 above).

E & P.H. and Legal Departments note from p.4 above may be perused. Legal Department want to know whether the identity of the article published by Mr. C.V.H. Rao with the note at Ⓐ is due to reliance upon a common source. It may be pointed out in this connection that the note at Ⓐ was prepared in office from the published and unpublished records available in the Secretariat, while Mr. C.V.H. Rao has to rely on the note at Ⓐ for at least some of the information contained in his article in the "Commerce" ~~Capital~~ which he could not have got otherwise e.g. mention about Dr. V.S. Dubey's offer, details of lignite occurrence in the South Arcot District, fuel resources for the industry etc., etc. Hence the ~~[illegible]~~ identity of the passages is not due to reliance on a common source. With this information the file may be returned to the Education and Public Health Department through Legal.

✓ p. 2 above

p.5 above
× p.380 of the journal 'Commerce' put up below
+ Ⓐ

✓ p.380 of the journal put up

× p.1 of Ⓐ
+ p.8 of Ⓐ
-do-

RSA 25/11/48. Dis. 25/XI/48.

26/11/48

J.S.
26/11

Legal / E&P.H

Legal Dept

Seen in Legal
29.11.48

Dev. wo. no. 121191(A) P&D III/48-1
30 NOV 1948 27/11/48

14053C

E&PH (93)

Sealed Cover

ASSISTANT SECRETARY
29 NOV 1948
LEGAL DEPARTMENT

The file may be returned to Dept. to whom this belongs.

1/12/48

1-12-48

Dev. no. 128702 P&D III/48
3/12/48

Legal no. 14053C/48-1

Dev. no. 89458 29/11/48

Sealed cover

E.P.H. no. 89458-A-8-83-1

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(16)

Dev. (P&D III) Dept.

(Last seen on p.6 above)

The file relates to the unauthorised use by Mr. C.V.H. Rao, previous Director of Information and Publicity, of this Dept. note on the Salem iron ores - copy put up at Ⓐ - in an article in the Bombay weekly "Commerce" of 21st August 1948. It has been suggested that action shd. be taken against Mr. Rao under the Official Secrets Act, and Copyright Act in respect of this offence. Public (S.C.) Dept. have separately examined the qn. of proceeding against Mr. Rao under the Official Secrets Act and have held that ~~it~~ action cannot be taken against him under this Act as the note put up at Ⓐ was not marked Confidential. While examining the qn. of taking action against Mr. Rao under the Copyright Act, E&P.H. Secy. has noted that Mr. Rao's ~~misuse of~~ action of the official papers is one for prosecution and, that if, however, it is decided to proceed against him under the Official Secrets Act, prosecution under the Copyright Act would not be necy. As already stated, it has been held that action against Mr. Rao cannot be taken under the Official Secrets Act. The file may ~~[illegible]~~ therefore be returned to E&P.H Dept. for examining the qn. of proceeding against Mr. Rao under the Copyright Act. ~~I submit that the matter may be drafted~~

E&P.H

✓ p.6 above

✓ Copy at Ⓐ

Cf p.380 of the journal put up

Cf p.3 above

+ Papers in Pub(S.C.)

Pp 4-5 above

✓ M on p.5 above

-do-

Papers in Pub(S.C.) above

92002
DEC 1948
EDUCATION AND PUBLIC HEALTH DEPT.

RSA 4/12/48.

6/12/48

J.S.
8/12

E&P.H

box

Dev. wo. no. 128702 P&D III/48-1
8/12/48.

PTO

8

E.H.P. H (43)

Mr C.V. H. Rao, formerly Director of Information and Publicity has published an article on "An iron and steel industry" in South India", in the weekly journal "Commerce" which contains verbatim reproductions from a note on the subject prepared by the Development Dept. and sent to him for publicity purposes when he was Director of Information and Publicity. Mr Rao received an honorarium of Rs 25/- for the article.

(A)

p 3 y.

In the foregoing notes the question of taking action against Mr Rao, under the Official Secrets Act and under the Indian Copyright Act (for infringement of Copyright) was considered. This Dept. held that his action not only constituted ~~only~~ a piece of plagiarism but misuse of material which he obtained when in office, and that he should be prosecuted. This Dept's opinion was that if it was intended to proceed against him under the Official Secrets Act, prosecution under the Copyright Act would not be necessary. It is seen from the Devt. note on the previous page that the question of taking action against him under the Official Secrets Act is not

Copy's note on p 5 ante

9

(17)

not to be pursued. It is for consideration whether action should be taken against Mr Rao for infringement of the Govt's Copyright in the article, under Sec. 7 of the Indian Copyright Act, 1911. A Presidency Magistrate's Court in Madras will try the case, and if Mr Rao is found guilty, he will be punished with fine ranging from Rs 20/- up to Rs 500/-

p. 7 of the file (Development)

In the first instance, however, it is for consideration whether the Advocate Genl. may be consulted whether a prosecution can be sustained in this case.

Legal may advise about this Y

Legal may see for remarks, ~~[illegible]~~

LKB
20.12.48

In spite of the note on page 6 ante, Dev. have transferred this file to this Dept. with their note on p. 7 ante.

This Dept. is concerned with general questions connected with "Copyright" and in respect of matters arising in this Dept. on the subject, ~~e.g.~~ acquisition of Bharathi's songs. For orders whether the transfer will be accepted. If so, the file may be sent to Legal as suggested above.

(EP)

BOX

15273 C

0

2 yrs

E.H.P. H. U.O. No.
92002/43/48.
22/12/48.

ASSISTANT SECRETARY
22 DEC 1948
LEGAL DEPARTMENT

Legal Department

A person shall be guilty under section 7 of the Indian Copyright Act, 1914, if he

(i) knowingly

(ii) (a) makes for sale or hire

(b) or deals in any manner related in clauses (b) to (c) of the section,

(iii) infringing copies of a work in which copyright subsists.

In the present case, there is no doubt that the infringing copy has been made knowingly by the author. With regard to the requisites under (ii), there is no definition of "making" in the Act. But a literary, dramatic or musical work is "made" when the writing of the manuscript is complete. (Vide page 88 of The Law of Copyright in India by Mital and Jain, 1939 Edition). From the fact that the article in question was sent for publication and remuneration was received therefor, it can be presumed that the infringing copy was made for sale and clause (a) of item (ii) above is satisfied. It is also possible to bring the matter under section 7(b) of the Indian Copyright Act, 1914. But questions of jurisdiction are likely to arise as to where the infringing copy was "made" and as to where it was "sold". Before a prosecution is launched, E.& P.H. may satisfy themselves on these points.

24.12.48

E & PH (G3)

27 DEC 1948

97213

Legal no 15273/48

24/11/48.

Sealed Cover

Box

Legal have given the opinion that the infringing copy has been made knowingly by the author. They have not stated whether a prosecution can be successfully sustained. Before ~~further~~ action to launch the prosecution is taken, it seems to be necessary ~~[illegible]~~ to gather the material required to meet ~~[illegible]~~ points concerning jurisdiction referred to by Legal.

There

There is no information where the infringing copy was made. Apparently the author's letter to the Bombay Journal forwarding his manuscript ~~[illegible]~~ may indicate the place concerned. It is for consideration whether the Editor may be asked to send for reference Mr Rao's letter & the MS, which may be returned after reference.

2. It is also for consideration whether the Advocate General or the Crown Prosecutor may be consulted ~~as to~~ whether a prosecution may be launched on the existing materials, and if further information is necessary on what points it is required.

3 Legal may see the case again for remarks whether 1 above ~~[illegible]~~ may be done and also on para 2.

The [illegible] this - but it is very doubtful whether this will [illegible]. We will merely proceed on the assumption that there being the 'making' & the sale took place here & leave him to raise the question of jurisdiction if the facts are otherwise.

We [illegible] advise on this point at [illegible] above.

6.1.49

6-1-49

7/1/49

10 JAN 1949

3705

7/1

E&P.H. U.O. No 92002/G3/48-2 7.1.49

Sealed Cover

ASSISTANT SECRETARY

8 - JAN 1949

281 C

LEGAL DEPARTMENT

Legal no 281-C(49)

18/1/49.

LEGAL DEPARTMENT

The Crown Prosecutor or the Advocate-General may be consulted as suggested by E.& P.H. in paragraph 2 of their note above.

18.1.49

E & PH

PTO

12

E&P.H (G3)

The letter of the Editor "Commerce" on p 5 cf in the linked file of the Public Dept claims the copyright in the article, for the journal itself. ~~If~~ In view of this, Legal may offer further remarks on the case, in the light of that letter.

The case may again be sent to Legal

23.1.49

E&PH. U.O. NO.
92002 G3/48-3 Edn
Dated 25-1-49.

902 C

LEGAL DEPARTMENT

The letter of the Editor, Commerce, on page 5 c.f. of the linked top file does not in any way alter the situation. The question at issue in this case is whether Govt. have a copyright in the press note on the Salem iron ores at (A) and if so, whether such copyright has been infringed by Mr.Rao by writing the article at page 380 of the journal "Commerce" dated 21.8.1948. The fact that Mr.Rao has sold his rights, if any, to the journal does not affect the question of his liability for the infringement.

31.1.49

E & PH

ASSISTANT SECRETARY
26 JAN 1949
LEGAL DEPARTMENT

Sealed cover

Legal.. 902C/49
31/1

7039

P.T.O

13

E.P.H.(G3)

19

Extract from the file ~~N~~ (Pub·(SC) ~~U.O.~~ No.6021-3/49-)

Sub: " Iron and Steel Industry in South India"- Article in " Commerce " dated 21st August 1948, by one C.V.H. Rao.

x x x

Education & Pub.Health (G3)

It is seen from the letter on page 5 cf. that the journal claims copyright in the articles of Sri C.V.H. Rao. In the linked file, discussion has so far proceeded on the assumption that Mr. Rao has claimed the copyright and it is proposed to take action against him under the copyright Act for having infringed the Govt.'s copyright by the use of a Secretariat note for his article on " Iron and Steel Industry in South India " in " Commerce " the Editors letter on p 5cf. in which he claims copyright in the article on behalf of the journal alters the position.

Legal may offer remarks on the case with reference to the Editor's letter.

M.V.S.
25-1-49.
S/

Legal Department

Please see the note in the linked file. The liability of Mr. Rao is not affected by the fact that he has sold whatever rights he had in the infringing copy to a third ~~prx~~ party.

2.The letter at page 5 cf. is only an intimation that the copyright in the articles is with the journal and not with the author. The article at page 380 of its issue dated 21-8-1948 is an infringing copy of the Govt. Press note at (W) and the Govt. are not concerned with who has the copy right in the article but with who has infringed the Government's copyright in their press note.

P.T.O.

14

E.P.H.

Pub(S.C.)

E.& P.H.(G3)

The Legal Dept.'s note above may be perused- Apparently the Editor of the journal will not be liable, as apparently it cannot be made out that he " Knowingly" committed the offence. Please see section 7 of the Indian copyright Act, 1914.

A copy of the letters on pages 3 to 5 cf and an extract of the Legal Department's note above will be taken and added to the linked file.

The case may be passed on to Public(S.C.)

S M.V.S.
7-2-49.
Pub.(S.C.)

15

(20)

E. & P.H: Deptt.(G3)

(A)

The case relates to the infringement by Sri C.V.H Rao of the copyright in a Secretariate note, ~~who~~ he use the note for an article over his name, on " An iron and steel industry in South India" which was publishe in the weekly journal " Commerce" in Bombay. The article in question contains more or less verbatim reproductions from the Secretariat note in question. Mr. Rao received an honorarium of Rs.25/- for the article from the journal.

p-380 of the journal "Commerce" kept below -

p3 of

Mr. Hanumantha Rao was formerly Director of Information and Publicity under the Government. His actio not only constitutes plagiarism but misuse, for private purposes, of material which he obtained when in office. The question of prosecuting him under the official secrets Act and the Indian copyright Act has been discussed in the notes on the foregoing pages. It has been held that action under the Officia Secrets Act is not feasible in this case. As regards action under the copyright Act, however, the Legal Department have held that the infringing copy has been made knowingly by the author. In this case, the copy right in the Secretariat note referred to vests in the Govt; and Mr. Rao will be liable for action under section 7 of the Indian copyright Act. If it is decided to prosecute him, proceedings would have to be launched in a Presidency Magistrate's Court, and if found guilty, the accused can be punished with a fine ranging from Rs. 20 to Rs. 500. Legal have suggested that before prosecution is launched this Deptt. should satisfy itself as to where the infringing copy was made as questions as to jurisdiction are likely to be raised. As regards this point it is considered that ~~it will have to be assumed that since~~ action will have to be taken on the assumption that since Mr. Rao is residing in Madras, the offence was committed here, leaving it to him to raise the question of jurisdiction if the facts are otherwise.

pages 1-7 ante

p-7 ante & Legal note on p. [illegible] in 8 of Pub -

(Dis[illegible] [illegible] to Pub.)

p - 10 ante

Sec 18 - p.25 of BK - [illegible] -

p-7 of BK [illegible]

Sec 11 & Sec 7 - pages 8 & 7 of the BK [illegible]

p - 10 ante

Secy's note in the margin on p11 ante

Mr. C.V.H Rao is the editor of the newly started newspaper "Indian Republic" in the city.
5/7/49

It is for consideration (1) Whether proceedings

PTO

~~(I)xxItxisxforxconsideration~~

(1) Whether proceedings should be launched against Mr. Hanumantha Rao under section 7 of the Indian copyright Act, 1914, and

(2) Whether, before doing so, the Advocate ~~General~~ may be consulted whether a prosecution may be launched in this case on the materials now available, and if further information is necessary, on what points it is required.

H.M.(Agri.), H.M.(Edn.), Hon'ble Pr. may see the case for orders on (1) and (2)above.

4.2.49 The man's conduct is bad enough. 5/2/49

This will create considerable sensation and comments. So it is better to be well advised. The Public Prosecutor ~~or~~ Advocate General may be consulted

7/2

H.M. (Agri.) ✓
H.M. (Edn.) ✓
H. Pr ✓

S 7/2/49

(Box)

with Br. India Act 1914.

7/2

TSA 8.2.49

G.P.R. 17/2

SECRETARIAT, EDN. AND P.H. DEPT.
15 FEB 1949
GOVERNMENT OF MADRAS

A draft reference to the Advocate General is submitted for approval –

20.2.49.   21-2-49   S

[Memo No. 92002-93-48-4 Edn Dt 22.2.49]

PTO

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papers 9-11 of from the Govt. Solicitor – No. 918 – Dated 4.3.49.

The Advocate Genl. requires information on the four points mentioned on page 11 cf.

2. As regards points 1, 2 and 3, Development may be requested to furnish answers –

X | Box.

3. With regard to point 4, the Editor of the "Commerce" may be addressed – The draft letter below is for approval –

4. After issue, the file may be sent to Devt. (P&D) with Refce to point 2 –

(X) Issued and at p.13-14 cf.

14.3.49   15/3/49   S

Devt. (P&D) (X)

E&P.H.(Edn.) No 92002/92/49-6 19/3/49

Dev. No. 31030 P&D III/49 22/3/49

Development Dept.

(Last seen on p.7 above)

E&P.H. Department note on pp.15-17 above may be perused. The file has come to this department for furnishing answers to certain points raised by the Advocate General before launching any legal proceedings against Mr.C.V.H.Rao, the former Director of Information and Publicity, Madras.

cp. X above
(+) p.11 cf.

p.11 cf.
✓ (A)

Point (1) on p.11 c.f.:- The note on the Salem iron ores put up at (A) was prepared ~~here~~ in this Dept. in connexion with the discussion with the representatives of Messrs. Elektrokemisk of Oslo, Norway in February 1948 regarding the setting up of an iron and steel industry. A copy of the note was sent to Mr.C.V.H.Rao, the then Director of Information

File 2278 P&D III/47
Sent to H.Pr. on 20/X/48
–do–

G2

and Publicity in ~~the~~ his official capacity for releasing the information contained in the note to the press. The contents of the note appeared in the local dailies. No further instructions were issued to the Director of Information and Publicity.

(A)

Point (ii) on p.11 c.f. No written instructions were issued to him in the matter.

✓ p 11 cf

Point (iii)on p.11 c.f. The following publications contain some of the information found in the notes:

✓ p. 11 cf

1. Salem District Gazetteer, — not put up
2. Iron and Steel industry in South India by Major R.H.Mohan. — not put up
3. G.O.Ms.4832, Development dated 11-11-44(Published in Fort St.George Gazette) — not put up.

The note also contains information gathered from Govt. records which have not been published.

With these remarks the file may be returned to E&P.H. Dept.

23/3/49

27/3/49

27/3/49

S

29/3

E&P.H

Box

Dev. Memo No. 31030 P+D iii

29/3/49

09 MAR 1949

p 15 cf

From the Editor, Commerce Letter dated 28.3.49.

In respect of the points on which the Adv. Genl. requires information, in his note on p 11 cf, a reply as in the draft memo below ~~to for approval~~ may be sent to the Govt. Solicitor —

2.4.49.

4/4/49

S 5/4

pages 17-18 ant

[Memo No. 92002-G2-48-7 Dev D/ 5.4.49]

25122

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pages 19-22 cf. From the Govt. Solicitor No. 1609 dated 11.4.1949.

Please see the Memorandum on pages 7-8 cf seeking the opinion of the Advocate General on certain points arising from Mr Hanumantha Rao's use of the Sectt. Note on 'Salem iron ores' for his article in the Bombay Journal "Commerce". The Advocate General was asked whether a prosecution, if launched against Mr Rao for infringement of the Govt's Copyright in the Note referred to above, would be successful. In the opinion on pages 21-22 cf the Advocate General has ~~[illegible]~~ held that in the circumstances of the case there has been an abandonment of the Copyright by the Govt. and that a prosecution, if launched may not be successful.

It is for consideration whether in view of the Adv. Genl's opinion, the matter may now be dropped.

Legal may see the case before circulation —

15.4.49.

18/4/49

S 19/4 Legal

4934 C

ASSISTANT SECRETARY
20 APR 1949
LEGAL DEPARTMENT

May be dropped. Orders may be taken in circulation.

18/4/49

Box

E&P.H. U.O. No 92002/G2/48-8 [illegible] 9/4/49

Take a copy of A.G's opinion if it has not been done already.

20

G2

Legal Dept

Seen in Legal
4.5.49

Although there may not be a case for a prosecution, it seems to me that Govt. are entitled to the remuneration received by Mr. Rao in this case, as a matter of equity. Mr. Rao has "unjustly enriched" himself in this case; practically at Government's expense. If this line of inquiry is to be pursued, the question will be further examined: what the law is in this matter, and what precise legal steps should be taken to enforce any right which the Govt. may have under the law.

K.R. 4/5/49

Edn. & P.H. Dept. (G2) (Sealed Cover)

Legal U.O. 4934 E/49-1
5-5-49

In accordance with the orders in circulation already passed on page 16 ante the question has been considered whether prosecution proceedings should be launched under section 7 of the Indian Copyright Act, 1914, against Sri C.V.H.Rao, former Director of Information and Publicity under this Act, in respect of his use of a Development Department note on "Salem Iron Ores" for an article of his which was published in the weekly journal Commerce and for which Mr. Rao was paid a remuneration of Rs.25/- by the journal in question. The Advocate General who was consulted on this question has given the opinion that there has been an abandonment of copyright by the Government in this case, that the action of Mr. Rao, in the circumstances would not amount to an infringement of the copyright for purposes of sale and that a prosecution, if launched, may not be successful. It is for orders whether this opinion may be accepted and the question of prosecution dropped.

ASST. SECRETARY TO GOVERNMENT
EDN. AND PUBLIC HEALTH DEPT.
34905
4 MAY 1949

(A)

p 3 cf

p 22 cf

Box

92002/alt/92

21

23

M

Legal Department have suggested that, though there may not be a case for prosecution, the Government are entitled to the remuneration received by Mr. Rao for his article as he has "unjustly enriched" himself at Government's expense. The reference is to the remuneration of Rs.25/- which according to the Editor of the journal was paid as a matter of formal courtesy to a working journalist. It is for orders whether this point should be pursued.

Pecy Legal's note on the previous page

pages 3 and 15 cf

N

The case may be circulated to H.M.(Law), H.M.(Edn.) and Hon.Premier for orders on 'M & N' above.

7.5.49.

9-5-49

M may be dropped, as suggested by the Advocate General. Even if the recovery of Rs 25/- was worthwhile, it is not sure how and when it could be effected

10/5/49

Box

H.M (Law)

H.M. (Edn)

H. Pr

~~16/10/5~~

I am not particular of prosecuting Mr Rao or recovering the ~~fee~~ from him. But he must know that we have discovered his plagiarism & that it has not gone unnoticed. So Mr Rao may be ~~[illegible]~~ told that it has been brought to our notice that he has used Govt ~~[illegible]~~ reports and made money out of it & whether he has to say anything in extenuation

KM

10/5

H.M (Edn)

may be dropped since it is a trivial matter not worth pursuing.

HM

AAB
11/5

16-5-49

~~It is presumed that the orders are that~~

JOINT SECRETARY TO GOVERNMENT
17 MAY 1949
EDUCATION AND PUBLIC HEALTH DEPARTMENT

It is for orders whether a Communication should be sent to Mr Rao as suggested by H.M (Law)

17.5.49

18/5/49

18/5

H.M (Edn) Not necessary.

AAB
19/5

Box

20/5

No further action is necessary on the file: The papers may be Recorded.

Order MS. 1725 Edn. d/26.5.49

SECRETARY, EDN. AND P.H. DEPT.
1? MAY 1949
GOVERNMENT OF MADRAS

Copyright – Govt. document – infringement by Sri C.V. Rao – ~~papers~~ – recorded

20.5.49

25/5/49

A NOTE ON THE SALEM IRON ORES.

Although a systematic examination of the Iron ore deposits occurring in the Salem District may be said to have commenced when the Government accepted the offer in 1937 of Dr. V.S. Dubey of the Benares Hindu University to examine the iron ore deposits of the Kanjamalai Hills, earlier references to the existence and the actual working of these deposits date back to 18th and 19th Centuries. Iron smelting in the Salem District is an art of extreme antiquity. The following extract illustrates the methods adopted in old days.

"The ore is smelted in a mud furnace about 4' high, the shape of which, when viewed from the front, is like a bottle, about 2' in diameter at the base and about 9" at the top. The floor of the furnace is sunk about 6" below the level of the ground. At the base is an opening some 10" square. The furnace is partly filled with charcoal, on which the ore is placed. A blast is obtained with a pair of goat-skin bellows, worked by hand alternately, so that the draught may be continuous. The nozzles of the bellows are inserted into the orifice at the base of the furnace, and the rest of the opening is sealed with wet clay. The blast is kept up for about 3½ hours, at the end of which a mass of red-hot metal, weighing about 12 lbs., is withdrawn, and worked on an anvil, and, when sufficiently hammered, a cut is made nearly the whole way through, and the mass is then ready for sale."

An attempt to exploit the Salem Ores on a large scale was made when Mr. J.M. Heath, in 1825 resigned the East India Company's Service and proceeded to England to study ways and means for the successful exploitation of Salem ores. He set up

a number of works.....

a number of works at Pulampatti, on the banks of Kaveri and in other places whither the ore was taken by road from Kanjamalai to be smelted. An examination of the work done by Mr. Heath reveals that the reserves of the deposits of ore in the Salem area are almost inexhaustible and that they are of very high grade quality. The following extracts will illustrate the position:-

"In 1833 a Committee was appointed by the Madras Government to examine the condition of Mr. Heath's works: the following extracts from their report bear directly on the present section as indicating the value of the Salem iron ore deposits:- "The result of this experiment was satisfactory as regards the yield or outturn with reference to the quantity of ore used, being nearly 67 per cent. The total quantity ore* used was 3,175 lbs., the outturn of metal 2,122 lbs., (66.8 per cent)." Writing under date 12th March 1828 Mr. Heath says:- "I have had the Dannemore ore most accurately analysed by Mr. Richard Phillips and the result of his analysis has proved that the ore when FREED FROM ITS EARTHLY MATTER consists of pure iron and oxygen in the proportion of 70 and 30 in 100 parts * * * having submitted the Indian ore to the same eminent chemist * * it was found that it also consisted of pure iron and oxygen in the proportion of 72.3 and 27.7 in 100 parts * * the stony matter associated with the Indian ore is pure silex." Mr. Thomas Holland in 1892 when making his "Preliminary report on the iron ores and iron industries of the Salem District" says:- "The ore which occurs in such abundance in the Salem district is

*This ore was obtained from Thailaimalai (No. 4 on map), within 7 miles of the Cauvery which provides water carriage to Porto or Novo for 6 months in the year.

the ore.....

the ore which has been used with such success in the Scandenavian Iron Works. * * The Dannemore ore employed yielded an average below 50 per cent of iron * * whilst in the Salem district it is possible to obtain an almost inexhaustible supply of ore with an average of nearly 60 per cent of iron. This result is calculated from the average mineral composition stated by Messrs. King and Foote, and agrees with rough calculations of my own on crushed samples as well as the estimate given by Balfour."

Mr. Heath's statement, the elements of which are principally drawn "from actual experience," showed that "when freed from earthly matter" the ore contained 72 per cent of iron "and the whole of this has been obtained by me is smelting ore in the blast furnace."

The iron produced from the Salem ores early in the 19th Century was reported to be of excellent quality and it was used in the construction of the tubular and suspension bridges over the Menai Straits. So even in the 18th and 19th Centuries, it had been established that Salem iron ores contained practically no phosphorus or sulphur and were well suited for manufacturing the better quality of wrought iron or steel. In the first half of the 19th Century steel was reported to have been brought to England sometimes in the form of flat round cakes and sometimes in the form of conical ingots. The conical ingots were evidently wootz (steel) made by carburising wrought iron in crucibles, a principle which was not applied in England in 1800. But with the winding up of the Porto Novo, Iron company started by Mr. Heath about the third quarter of the 19th Century, the production of wrought iron and steel from the Salem ores got

a set back.....

a set back and no attempt was made thereafter to any appreciable extent to tuilize the Salem iron ore. Owing to the cheapness of the imported iron, the industry has of later years rapidly decayed.

But the rich deposits of the ore continued to lie there on the hills of the Salem District, when the Geological Survey of India undertook between 1940-1944 a complete mapping and survey of the iron ore deposits of the Salem and Trichinopoly Districts and carried some tests regarding the concentration of the ore found in the area. The reserves of the ore in the areas examined were estimated to be as follows:-

		Tons.
Kanjamalai.	...	54,648,000
Godumalai.	...	12,450,000
Pasumalai.	...	10,428,000
Attur area.	...	11,724,000
Chitteri Hills.	...	55,416,000
Tirthamalai.	...	47,520,000
Between Rasipur & Namakkal.		33,924,000
Kollaimalai.	...	67,452,000
Pachaimalai.	...	11,088,000
	Total.	304,650,000

These are figures for a depth of 100' only except in one case and the hills must, it is stated, contain ore to a much greater depth. The deposits may be assumed to be regular and more or less of uniform thickness. Hence in actual working they can be expected to yield very much more than the figures above, probably anything up to 3 or 4 times the quantity.

The tests conducted so far by the Geological Survey have made it clear that in general, the ores are amenable to concentration easily be magnetic method to give over 55% iron

and it has been.....

and it has been stated that a higher grade concentrate can be obtained either by passing the concentrate through the magnet a second time or in the case of the fine grained ores by finer crushing. The report also contains a reference to the fact that M/s. Gaudart & Co., sent a sample of the ore to Fried Krupps in Germany, who pronounced it to be amenable to magnetic concentration. Their tests revealed that the iron content improved from 45 to 68.5 per cent. In view of the above pronouncements, there seems to be no necessity for any further tests on the suitability of the ore to manufacture iron and steel.

On account of the lack of coal in South India, alternative methods have to be considered for smelting the ores, so as to cut down the dependence on coal to the ~~xx~~ minimum. These are

(1) Blast furnace, using charcoal fuel,

(2) Electric furnace (a small quantity of charcoal to be used for reduction only and not for generation of heat),

(3) Others e.g. Stuerzelberg process.

(1) above: Charcoal blast furnace: Charcoal consumption per ton of pig iron produced is about 16 or 17 cwt. 1 ton of charcoal is equal to 4 to 5 tons of wood. For 100 tons of pig iron per day the requirements is 365 x 100 x 5 = 182,500 tons of wood per year. At 1/2 to 1/3 ton of timber per year per acre, an area between 365,000 and 547,500 acres of forest land is needed. For steel, more charcoal and a larger area of forest are needed.

(2) above: Electric Smelting: A small quantity of carbon as charcoal or coke is need to reduce the iron oxide to

metal.........

metal. The charcoal needed for this reduction is 6 to 7 cwts. per ton of iron produced.

1 ton pig iron requires 1/3 H.P. year (say 2220 K.W.H.) the electrode and charcoal consumption being 12 lbs. and 8 cwts. respectively.

The cost of manufacture of steel at Salem in electric furnaces is as follows according to Dr. Dubey and Mr. Karunakaran.

	Rs.	A.	P.
Iron ore 1.6 tons @ Rs.3 per ton.	5	2	0
Limestone (150 lbs) @ Rs.2 per ton.	0	2	0
Charcoal 800 lbs. @ Rs.14 per ton.	5	0	0
Electrode 30 lbs. @ Rs.400 per ton.	4	0	0
Electrical energy 3500 units at 1 pie each.	18	0	0
Refractions, Repairs etc.	5	0	0
Depreciation.	2	0	0
Total.	39	4	0
Overhead, supervision, labour etc.	25	0	0
Grand total per ton of steel.	64	4	0

(3) above: Stuerzelberg process: This process which makes it possible to produce sponge iron even from low grade ores can be adopted, if necessary, after necessary investigation.

As regards the supply of accessory ores that might be required for the setting up of a steel manufacturing industry, it may be said that South India is not lacking in them. The auxiliary materials required for the iron and steel industry are fluxes and refractories. Both Limestone and dolomite are available in Salem district itself as also in Trichinopoly and

Coimbatore ....

Coimbatore districts. Amongst the refractories, fireclay, magnesite, chromite and siliceous materials like quartzites and quartz schists are available within short distances of the iron ore deposits. The analysis of chromite ore found in the Salem district has revealed that it can withstand a temperature of about 1700 degrees C. and as such it would be very useful as a refractory and for the production of charomium steel. With a view to utilize the chromite found in the Salem District in the South Indian Steel Industry, the Government have prohibited the leasing of areas containing chromite. The Shevaroys Hills in the Salem District are rich in bauxite and the reserves are estimated to be about 4,275,700 tons.

As regards the power that might be required for the development of Iron and Steel Industry in South India, no doubt this Province is deficient in power. The forecast of demand for power upto 1951 taking into account the requirements of the proposed new industries is estimated at 1,24,000 K.W. against an estimated output of 1,06,500 K.W. of power proposed to be developed within that period. The Chief Engineer for Electricity has stated that though the existing hydro-electric stations have no spare capacity, to meet the needs of the steel production in South India, new schemes could be started. The Electricity Department already contemplate investigating various sites which are reported to be promising for the development of Hydro-electric power-chief among them are Mekkadattu, Periyar, Srisailam, Sileru Schemes etc. If these investigations are made quickly and these projects put into effect, it would not be difficult to find the power required for the South Indian Steel Industry.

Further.........

Further recent ~~Gex~~ Geological Investigations have proved the existence of lignite in the South Arcot District which is not very far away from the Salem iron deposits. The reserves of lignite are estimated to be about 498 million tons. Specimens of the lignite have been analysed and they are reported to be of good quality having calorific value averaging over 9000 B.Th.U. The question of the economic exploitation of the lignite found in the area is engaging the attention of the Government. The Government propose to send samples to America to test whether it is possible to convert the South Arcot Lignite into coking coal for utilization in the steel industry. If this experiment proves successful coking coal can easily be found for the steel industry. Even if it is not possible to convert the South Arcot Lignite into coking coal, it can be directly used as fuel in other industries and for domestic purposes. This may to a great extent relieve the fuel shortage ~~at~~ that might be experienced in the area on account of the diversion of charcoal for the proposed steel industry.

Owing to the lack of coal in South India and the high cost of transport from the North, the South Indian Steel Industry has to depend upon charcoal. If electric smelting is resortedto, the quantity of charcoal required will not be much. It would not be difficult to raise in the Salem and the adjoining forests necessary casuarina or other plantations that might be required to get the necessary charcoal.

It will therefore be seen that South India is favourably situated for the development of an Iron and Steel Industry. It has got an almost inexhaustible reserve of high grade iron ore and other accessory ores required for the industry near at hand. Fuel either in the form of electricity or charcoal can be easily got for the industry as stated above. What is needed is only a decision by experts as to the lines on which an Iron & Steel Industry can be started in South India.

A.S./16/2/48 C.J.V./16/2/48 K.G.M./17/2/48.

VENN-SEVERIN

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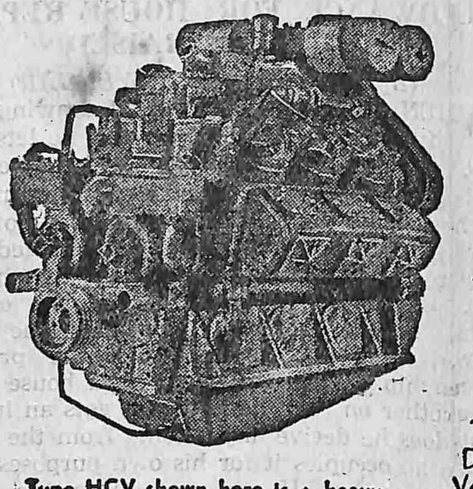

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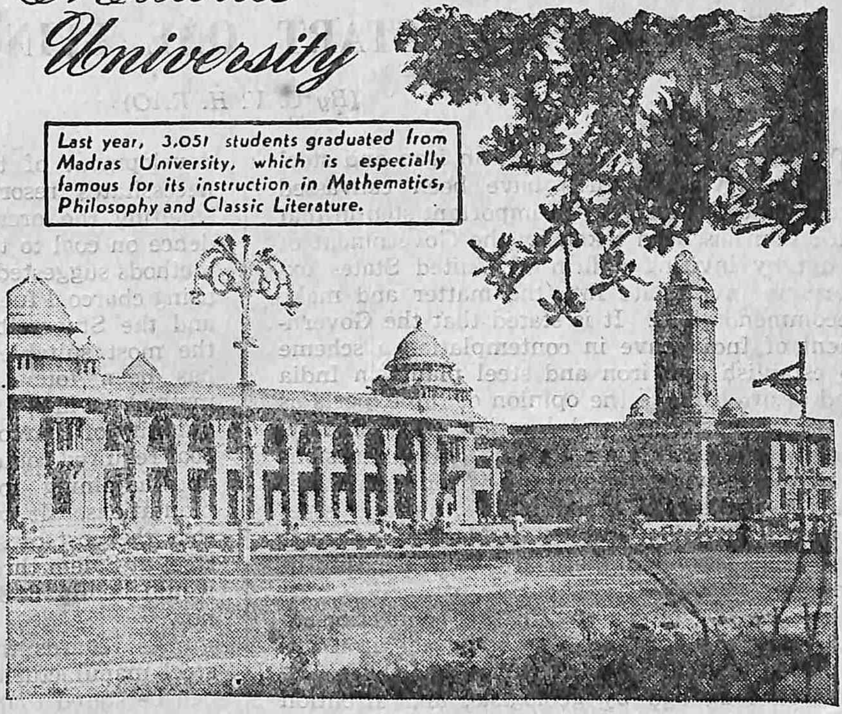

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KA'S TEA

AN IRON AND STEEL INDUSTRY IN SOUTH INDIA

PROSPECTS TO START ONE BEING EXAMINED

New

(*By C. V. H. RAO*)

THE prospects of setting up an iron and steel industry in Madras have been canvassed from time to time, and an important step in that direction has been taken by the Government of India by inviting a firm of United States experts to investigate into the matter and make recommendations. It is stated that the Government of India have in contemplation a scheme to establish two iron and steel plants in India and desire to have the opinion of the experts as to their feasibility and location. The experts who were recently in Madras had discussions with the Provincial Government representatives on the subject of starting an iron and steel industry in Salem district in Madras, where it has been estimated there are huge deposits of iron ore.

It may be interesting, in this connection, to note that the existence of high grade iron ore deposits in the Salem District had been discovered long ago by geologists, and attention had been drawn to them by distinguished geologists like Mr. J. M. Heath, who was in the employ of the E. I. Company, as early as 1825. Mr. Heath testified, as a result of his practical experience, that, "when freed from earthly matter, the Salem ore contained 72 per cent. of iron and that the whole of this had been obtained by him by smelting ore in the blast furnace." The iron produced from these ores early in the 19th century was reported to be of excellent quality and was used in the construction of the tubular and suspension bridges over the Manai Straits. Thus, even in the 18th and 19th centuries, when modern methods of smelting ore were not in use, it had been established that the Salem ore contained no phosphorus or sulphur and that it was well suited to the manufacture of better quality wrought iron or steel.

However, with the starting of the Porto Novo Iron Company by Mr. Heath in the third quarter of the 19th century, the production of wrought iron and steel from the Salem ores received a setback and no serious attempts were made thereafter to utilise them for the purpose. Also, owing to the cheapness of imported iron, the industry slowly declined in later years.

The latest systematic examination of the iron ore deposits in Salem may be said to have commenced in 1937, when the Madras Government accepted the offer of Dr. V. S. Dubey of the Benares Hindu University to examine the deposits of the Kanjamalai Hills. Between 1940 and 1944, the Geological Survey of India undertook a complete survey and mapping of the deposits in the Salem and Trichinopoly districts, and carried out some tests regarding the concentration of the ore found in that area. The reserves of the ore in the areas are estimated to be as follows: Kanjamalai Hills, 54,648,000 tons; Godumalai, 12,450,000 tons; Pasumalai, 10,428,000 tons; Attur area, 11,724,000 tons; Chitteri Hills, 55,416,000 tons; Thirthamalai, 47,520,000 tons; between Rasipur and Mamakkal, 33,924,000 tons; Kollai Malai, 67,452,000 tons; and Pachimalai, 11,088,000 tons; total 304,650,000 tons.

It may be mentioned in this connection that these are figures of potential reserves up to a depth of 100 feet only, except in one case, and it is extremely probable that the hills may contain ore to a much greater depth. It is assumed, additionally, that the deposits are regular and more or less of uniform thickness, so that, when the mines are actually worked, they can be expected to yield very much more than the quantities mentioned above, probably anything up to three or four times the estimated quantity.

The Geological Survey's tests have also revealed that, in general, the ores are amenable to concentration easily by the magnetic method, to yield at least 55 per cent. iron and that it may be possible to obtain a higher grade con-

development of the industry; in any case, it necessitates resort to alternative methods of smelting the ores so as to reduce the dependence on coal to the minimum. The alternative methods suggested are the blast furnace method. using charcoal fuel; the electric furnace method, and the Stuerzelberg process. Of these three, the most suitable for South Indian conditions has been found to be the electric furnace method, which would not require a large quantity of charcoal, while the quantity of charcoal required could easily be raised in the Salem and adjoining forests by fostering casuarina plantations. It was estimated by Dr. Dubey that the cost of smelting or to get one ton of steel at Salem through the blast furnace method would be Rs. 64-4. It may be somewhat more now.

As regards the possibility of setting up a steel manufacturing industry in South India, it can be stated that there is no lack of supply of the accessory ores, required for the purpose. The auxiliary materials required for the iron and steel industry are fluxes and refractories. Both limestone and dolomite are available in Salem district itself, as also in Trichinopoly and Coimbatore districts, while as regards refractories, fireclay, magnesite, chromite, and siliceous materials like quartzites and quartz schists, are available within short distances from the iron ore deposits. With a view to utilising the chromite found in the Salem district, for the South Indian steel industry, if and when started, the Government have prohibited the leasing out of areas containing chromite. The Shevaroy Hills in the Salem district are rich in bauxite and the reserves are estimated at about 4,275,700 tons.

The absence of adequate power supply for the development of an iron and steel industry may be regarded as another impediment, as its requirements of power are bound to be considerable and may be difficult to fulfil immediately. But the question of increasing the power resources of the Province is engaging the serious attention of the Provincial Government and a number of schemes in that connection is being investigated. If and when these schemes are executed, it would not be difficult to find the electric power required for the promotion of the iron and steel industry. The Industrial Planning Committee has strongly recommended the execution of power generating projects as a condition precedent to the starting of any new industries, and they were divided on the question of the possibilities of an immediate establishment of a steel industry mainly because of the prospective difficulty of securing the required supply of power, and, also because it was considered that the blast furnace method might prove prohibitively costly.

Recent geological investigations have revealed the existence of lignite in South Arcot district not far from the area of iron ore deposits and the reserves of lignite are estimated at about 498 million tons. The question of the economic exploitation of the lignite found in the area is at present engaging the attention of the Madras Government, and they propose to send samples thereof to America to test whether it would be possible to convert the South Arcot lignite into coking coal for utilisation in the steel industry, and, if this experiment proves successful, coking coal can easily be found for the steel industry. Even if it is not possible to convert the South Arcot lignite into coking coal, it can directly be utilised as fuel for domestic purposes, which may, to a large extent, relieve the fuel shortage, that might be experienced in the area on account of the diversion of charcoal for the purposes of the steel industry.

It will thus be seen that South India is favourably situated for the development of an

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VALUATION OF HOUSE PROPERTY

ALLOWANCE FOR HOUSE REPAIRS MUST BE RAISED

(*By A. C. SAMPATH IYENGAR*)

WHEN a person owns a set of drawing room furniture or a motor car and he lets them out on hire, he receives rent, which is chargeable as income. But if, instead of letting, the owner should use the furniture or the motor car for his own purposes, he is not charged upon any rental value, the reason being that he cannot be said to have been in receipt of any income then. The said principle, one finds, however, is not applied to house property ownership. When the owner of a house lets it to another on rent, he no doubt gets an income. But does he derive any income from the house, when he occupies it for his own purposes? The answer is No. He simply enjoys the house, even as he does his car or furniture, in the other instance. In partial recognition of this principle, probably, the maximum annual value of house property occupied by the owner is limited to one-tenth of the total income of the owner, by the provisions of the Income-tax Act. Now, the matter for consideration is as to why house property in the occupation of the owner should be deemed at all to yield any notional income for the purposes of taxation. Why this fiction?

Under the Australian Law, house property occupied by the owner is treated as non-income producing property and, further, a rebate is granted in respect of rates and land taxes paid in respect of the house in question. (See Official Year Book of the Commonwealth of Australia, No. 36 of 1944-45, pp. 738 and 739). The Royal Commission on Taxation of the Commonwealth of Australia, after stating that arguments might be found both ways, for and against exclusion, decided to recommend its exclusion, and the recommendation was ultimately adopted. In these days of housing shortage, when our Government has found it necessary to give incentive to house building by exempting from tax, for two years after completion, all houses constructed between 1946 and 1950, the advisability of exempting altogether from tax all house property occupied by the owner deserves consideration. This incentive is different from the one now obtaining, for this is intended towards owners-occupiers, as distinguished from owners-letters. Any loss to the Revenue accruing thereby would be more than compensated by countervailing advantages. In many cases, owing to the restriction of the annual value to 1/10 the income would not be great. Secondly, when the total of the various deductions claimable (such as for repairs, for municipal taxes, for interest paid on a mortgage or charge of the property, for insurance premium, etc.) is taken into account, the net income would be found unsubstantial. As against this, there is the decided advantage of giving a clear incentive to persons to build residence for themselves, out of such savings as they may have in their possession, without resorting to the Rent Controller for accommodation and competing with other applicants for accommodation. The Department would, at the same time, be relieved of the comparatively unremunerative work of calculating the income in such cases and be free to concentrate upon more important duties.

Allowance for Repairs

It is also a matter for consideration as to whether the grant of allowance for repairs equivalent to one-sixth of the annual value is an adequate relief nowadays. That ratio of 1/6 was fixed long before the war, and we know that, since then, the cost of building materials has gone up several times. The prices of bricks, cement, timber, etc., have shot by about 300 per cent., and the cost of labour also has gone up likewise. No doubt, it may be argued that the [illegible] of house property too have increased; but it must be remembered that House Rent Control Orders and Acts are in operation in the Provinces and, as a [illegible] thereof, the rents have

COPY.

DEVL (P & D III) DEPT.

Letter No. 98316 P & D III/48-2 Dated 22.9.48.

To

The Editor,
"Commerce", Ltd.,
Royal Insurance Buildings,
Churchgate Street, Fort Bombay.

Sub: Iron and Steel Industry in South India - Article in "Commerce" dated 21st August 1948 by one C.V.H. Rao.

I am to invite attention to the article by C.V.H. Rao on "An Iron and Steel Industry in South India" at p.380 of the "Commerce" dated 21st August 1948, and to say that as this Government are anxious to contact Mr. Rao, his full name, and address may be communicated to the undersigned as early as possible. I am also to enquire whether any honorarium was paid to Mr. C.V.H. Rao for contributing this article in your publication, and if so, how much.

Copy of letter dated 27.9.1948 from "Commerce", Bombay to Joint Secretary to Govt., Development Dept.

We have your letter No.98316 P & D III/48-1 of the 22nd inst. and, in reply, we give below the address of Mr. C.V.H. Rao. We did pay an honorarium to Mr. C.V.H. Rao amounting to Rs.25/-

C.V.H. Rao, Esqr.,
11, Monteith Road,
Egmore, Madras.

2

37

Confdl

(30)

37

Public Dept

Letter No. S/6021-2/48 dated 3/1/49

To :- The Editor,
"Commerce", Ltd, Royal Ordnance Buildings,
Churchgate Street, Fort Bombay.

Sir,

Articles in "Commerce" by Mr. C.V.H. Rao

I am directed to state that the Madras Govt. have observed that Mr. C.V.H. Rao, who ~~has~~ was previously employed under them as Director of Information and Publicity, has published the following two articles in the issues of the "Commerce" noted against them and has claimed copyright in respect of them :-

See page 1 cf. (1) An Iron and Steel Industry in South India - Page 380 of the "Commerce" dt. 21.8.1948.

put up (2) The Ramapadasagar Project - Page 607 of the "Commerce" dt. 25.9.1948.

4

An honorarium of Rs. 25/- was paid to Mr. Rao for the first article mentioned above - See your letter d. 27.9.48 to the Joint Secy. to Govt., Development dept., Govt. of Madras.

copy on page 1 c.f.

2. I am to point out that in ~~the~~ writing the two articles in question, Mr. Rao has used Govt. material & which he ~~had~~ ~~access~~ obtained in the course of his employment as Director of Information and Publicity under this Govt. Consequently his claim to copyright in respect of these articles is untenable.

Sd/-
22/12/48

Csl
3.1.49.

Issued
5/1/49

S/267 (48)-5

(31)

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BOMBAY, 10th January, 1949

This sounds strange.
How can they claim copyright in what was a note prepared for Govt.!
13/1

Dear Sir,

Re: Articles in "Commerce", by Mr. C.V.H. Rao

pp. 3-4 ante

We have your letter (confidential) No. S/6021-2/48 dated the 3rd inst..

We have to point out to you that the copyright in respect of the articles under reference has not been claimed by Mr. C.V.H. Rao, the writer of the articles, as you suggest, but by us, as we have paid the author for these articles and have, therefore, obtained the copyright thereof. In these circumstances, please note that it is not the copyright of Mr. Rao that is now in question but ours, and we maintain that that copyright cannot be questioned, whatever may be the copyright claim of Mr. Rao.

× page 4 ante

× However, in view of what you state in para 2 of your letter, we are prepared to allow you to use the articles in any of your official publications, without any obligation but only subject to your acknowledging the source to be "Commerce".

Yours truly,
R.V. Murthy
R.V. Murthy
Editor

K. Ramunni Menon, Esqr., C.I.E., I.C.S.
Chief Secretary to the Govt. of Madras,
Fort St. George,
Madras.

36

(32) 37

Dev. C.No. 98316 P&D. III
13.9.48

S/5287/48

Extract from Notes from Dev. (P & D III) Dept.

File

"Iron and Steel Industry in Sath India" - Article in "COMMERCE" dated 21st August 1948, by one C.V.H. Rao.

A.S.

Please see the article by C.V.H. Rao at p.380 of the "Commerce" dated 21st August, 1948.

not put up

The article is more or less a verbatim reproduction of a note prepared in Development Department some time ago on the prospects of an Iron Industry in South India and sent to the Government of India, to enable them to examine the possibilities of setting up of a steel plant in Madras. It is not known who this C.V.H. Rao is and how he has come in possession of this information for him to reserve a right of publication. Presumably the person is Mr. C.V. Hanumantha Rao, the former Director of Publicity to whom copies of the note prepared in Development Department were furnished at the instance of the Joint Secretary for release to the Press. The details found in the note were then published in the Local dailies. If C.V.H. Rao is the person who was formerly the Director, of Publicity, it does not seem proper that he should now contribute this article (which is more or less a verbatim reproduction of the note) under his name with rights of reservation. Before taking further action on the matter, it may first be ascertained from the Journal who this C.V.H. Rao is, and whether he was paid any honorarium for this article. Subject to orders a draft letter is put up. Public and PWD may see before issue.

W A

W X

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This is not only plagiarism, but misuse of

PT

38

of official papers. I doubt if the paper will give us the details, but we may try.

K.G.M.
14.9.

× × × ×

(Issue as letter No.98316 P & D III/48-2 dated 22.9.48.)

From the Editor, Commerce, Bombay dated 27.9.48.

Please see the letter from the Editor, Commerce, Bombay on p ③ c.f. The Editor has furnished the address of C.V.H. Rao, who had reserved a right of publication of the article at p 380 of the "Commerce" dated 21st August, 1948. It is orally ascertained from the PWD that the address furnished by "Commerce" is same as that of C.V. Hanumantha Rao, former Director of Publicity. The Editor of the Commerce has also stated that the journal had paid an honorarium of Rs.25/-. For orders.

Pub may see for further action. 1A

KGM
1.10.

PUBLIC (GL) B

A [on pp 1 - 2 ~~ante.~~ above]

x x x x

The information contained in the article - vide p. 380 of the "Commerce" put up - seems to have been treated as "Confidential" in the Devl. Deptt. If so, necessary action can be taken against him under the Official Secrets Act. B 1A

~~Withxxxfxxxxxxxxxxxxxxxpxx380xxfxxxxxxxxxxxx~~

x x x x

A above. Extracts may be taken by S.C. for further action. MGM 6.10. K.R.M. 6.10.48.

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(33)

Pub: (S.C.)

Please see the extract of notes on pp. 1-2 ante. Devt. Dept. may be requested to put up a copy of the note referred to at "A" on p. 1 ante.

J.S.
7/10/48.

9/10/48

13.10.48

Pub (SC) u/o no. S/5287-1/48
13/10/48.

Devt. No. 109025 P&D III
16/x/48

Dev. (P&D III) Dept.

Public (S.C.) Dept. note above may be perused. A copy of the note referred to at A on p. 1 above is put up at Ⓦ. The file may now be returned to Public (S.C.) Dept.

Ⓦ

16/x/48 16/x/48

16/10/48. Public (SC).

S/5324/48.

Public (S.C.) Dept.

Please see the note of Devt. (P. & D.) above. The question is whether any action can be taken against Sri C.V. Hanumantha Rao, former Director of Information and Publicity, under the Indian Official Secrets Act, 1923 for the publication of the article in question in the "Commerce" of 21.8.1948.

2. A copy of the note referred to at A on page 1 ante is put up at flag Ⓦ. It is not marked "Confidential". Copies of this note dated 17.2.1948 were furnished to Sri C.V.H. Rao (then Director of Information and Publicity) for release to the Press, and the local dailies published the details found in the note. Sri Rao handed over charge of his office on the afternoon of 31.5.48. The article was ~~found~~ published in the "Commerce" on 21.8.48. As the note was not marked "Confdl", and as the newspapers published portions of it at the time, the statement at B on page 2 ante does not seem to be correct. For the same reasons, the publication of the ~~note~~, almost verbatim, in a journal by Sri Rao, after he vacated office, does not seem to

X on p. 1 ante

[be

be an offence under the Indian Official Secrets Act.+ Section 5 of this Act relates to wrongful communication, etc. of information but this information apparently refers only to that relating to a prohibited place or anything in such a place, etc. Legal may be requested to advise.

23/10/48

M/a Legal

+ page 30 of Rules for the Security of Official Documents & Correspondence, 1938 (put up)

Pub: (S.C.) U.O. No:
S/5284-2/48
27/x/48.

SECRETARY TO GOVERNMENT
27 OCT 1948
105
LEGAL DEPARTMENT

PTO

Legal Department

The note at (W) was not marked 'confidential'. On the other hand, it was intended to be released to the Press and this was actually done. This means that the public were invited to read the information contained in the note. Certain newspapers also appear to have published portions of this matter at that time. The publication in 'Commerce' was some months later, that is to say, after the material in the note may well have been regarded as material which any member of the public could use. It is to be greatly doubted whether section 5 of the Official Secrets Act was intended to cover cases of this kind. Even if ~~it xxxx~~ this case can be brought under section 5, a Court ~~must be expected to~~ may take the view that the offence if ~~any at all was~~ one was at all committed was highly technical.

No doubt Mr. Rao was not entitled to claim the note as his production. If he had wrongfully claimed the matter as his and obtained payment from the 'Commerce', he may be guilty of cheating that "paper". But that of course would depend upon what transpired between the "paper" and Mr. Rao.

3/11/48

Legal No. 105(S.C.)-1
3-11-48.
S/5395/48

Public (S.C.)

Please see this Deptt's note at pp. 3-4 ante and Legal Deptt's note above. In the circumstances, it is presumed that no ~~further~~ action can be taken against Mr. C.V.H. Rao under the Official Secrets Act. Dev. (P&D) may see before circulation.

3/11/48.

4/11/48

5.11.48

6/11

/Dev

FOURTH ASSISTANT SECRETARY TO GOVERNMENT
8 NOV 1948

Pub(SC) U/o No. S/5287-3/48
6/11/48.

Dev. No. 117861 P&D/48
8/11/48.

6

Dev (P&D iii) Dept.

(Last seen on p. 3 above)

In view of the Public (S.C.) Dept. note on pp. 3-4 above and Legal Dept's note on p. 5 above, it is for orders whether the matter will be further pursued.

✓ pp 3-4 above

& p. 5 above

XSD
9/11/48. 9/11/48

The matter may be dropped.

9/11/48. J.S.

I see that Mr. Rao has published another article relating to PWD. He may go on using Govt material & collecting money. We shd therefore at least inform the paper of the position & refute the claim to copyright.

M

A

10/11

Public (S.C.)

Dev. u.o. No. 117861 P&D iii/48-1
10/11/48.

UNDER SECRETARY
11 NOV 1948
PUBLIC DEPARTMENT

S/5733/48

PUBLIC (S.C.)

Please see the notes of Dev. Deptt. above.

Presumably the article relating to PWD published by Mr. Rao has also appeared in the "Commerce". If so, this Deptt may agree to the Paper being informed as at 'A' above. But before doing so, th. ~~After issue, that~~ Deptt. may be requested to put up a copy of the article ~~in~~ for reference. The question may also be considered ~~question to see~~ whether action cannot be taken against Mr. Rao under the Official Secrets Act for publishing his article.

KP
12/11/48

15/11/48

15.11.48

Dev.

Pub (S.C.) u.o. S/5733-1/48

Dev. u.o. No. 121675 P&D iii/48
16/11/48

SECRETARY TO GOVERNMENT
16 OCT 1948
DEVELOPMENT DEPARTMENT

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(35) 43 7

Dev. (P&D iii) Dept.

(Last seen on p. 6 above)

Public (S.C.) ~~Dept.~~ note on p. 6 above may be perused. The Article on "The Ramapadasagar Project" relating to P.W.D. referred to by the Joint Secy. on p. 6 above ~~of~~ published by Mr. C. V. H. Rao will be found on p. 607 of the "Commerce" journal of 25.9.48 put up below. ~~With this information~~ the file may now be returned to Public (S.C.) Dept.

p. 607 of the journal put up & M on p. 6 above

XSD
27/11/48 27.11.48

29/11/48 Public (S.C.)

Box
S/6021/48

Dev. u.o. No. 121675 P&D iii/48-1
29/11/48

Public (S.C.)

UNDER SECRETARY
1 - DEC 1948
PUBLIC DEPARTMENT

Public (S.C.)

~~(Last seen on page 6 ante).~~

Please see the note of Dev. (P & D) above.

P.W.D. may be requested to put up their papers on the subject for ~~examination~~ reference. They may also be requested to state whether the article in question is a verbatim reproduction from Govt. records.

H

B

KP
5/12/48

6/12/48

7.12.48

Pub. (S.C.) u.o. No. S/6021-1/48
7/12/48

ADDL. DY. SECRETARY TO GOVERNMENT
8 DEC 1948
8486
PUBLIC WORKS DEPARTMENT

ADS

A.D.C.S.(I)

Notes from p. 1 above may be read.

A above: copies of the following papers are put up:

(1) G.O. Ms. No. 2915 PWD 26.9.47

(2) Press Release dated 10.3.48 Tungabhadra and Ramapadasagar projects.

(3) Press Note 12.5 & 13.5.48 .. Ramapadasagar

(4) HM (P.W.)'s message to Ramapadasagar People's Conference at Rajahmundry.

flag (C)

flag (D)

latest file (R)

(M)

(1) 28th & 29th August 1948

2 B above. The article on p. 607 of the

magazine Commerce d/ 25.9.48 is not a verbatim reproduction from any records relating to Ramapadasagar. Presumably Mr. Rao has utilised the information on the scheme which he has acquired as Director of Information and Publicity

He might have retained copies of official notes coming to him as D.I.P which he could use as 'raw material' for his articles

11/12/48

11.12.48

14.12.48

We have no objection to the article of Mr. C.H. Rao

14/12
Pub. S.C

Public (SC)

Please see the notes of P.W.D. on pp. 7-8 ante. ~~The file may now be sent to Dev Dept. for necy. action re: portion side lined 'A' on p6 ante. W.r. to the marginal note above, it is for consideration whether a search of Mr. Rao's house cannot be conducted as it is quite likely that he would have retained copies of official notes.~~ That dept. has no objection to Mr. Rao's article on the Ramapadasagar Project.

PW U.O. 8486 58/48-1
15/12/48

UNDER SECRETARY
16 DEC 1948
S/6247/48
PUBLIC DEPARTMENT

p.607 of the journal placed below

2. W.r.t. A on page 6 ante a draft letter to the Editor, 'Commerce' is subd. for consideration.

17/12/48

22/12/48

US.
CS.

3.1.49

(Issued letter No. S/6021-2/48, Public, d/ 3.1.'49, to "Commerce", Churchgate St., Fort Bombay)

pp. 3-4 cf.

(From "Commerce", Fort Bombay, letter d/ 10.1.1949)

p.5 cf

Please see the letter from the Editor, "Commerce" at [page

93

page 5 cf. in reply to the letter on pp. 3-4 cf. and CS's query thereon. The file may be sent to E. & P.H. for remarks as they are concerned with Copyright Act. Legal may also see for remarks.

19/1/49

20/1

E&PH / Legal

US
E.P.H.
Legal

Pub (SC) U.O. No. S/6021-3/48
20.1.49.

E & P. H. (93)

21 JAN 1949
4564

delinked in E.P.H.

It is seen from the letter on page 5 cf that the Journal claims copyright in the articles of Sri C.V.H. Rao. In the linked file, discussion has so far proceeded on the assumption that Mr Rao has claimed the copyright and it is proposed to take action against him under the Copyright Act for having infringed the Govt's copyright by the use of a Secretariat note for his article on "Iron & Steel Industry in South India" in "Commerce". The Editor's letter on p 5 cf in which he claims copyright in the article on behalf of the journal alters the position.

Legal may offer remarks on the case with reference to the Editor's letter.

SECRETARY
6 JAN 1949
LEGAL DEPARTMENT

23.1.49

24-1-49

S (L) Legal.

2010

25/1

LEGAL DEPARTMENT

EPH. U.O. No. 4504 G3/49-1 Edn
25-1-49

Please see the note in the ~~linked~~ delinked file. The liability of Mr. Rao is not affected by the fact that he has sold whatever rights he had in the infringing copy to a third party.

(P.T.O)

10

2. The letter at page 5 c.f. is only an intimation that the copyright in the articles is with the journal and not with the author. The article at page 380 of its issue dated 21.8.1948 is an infringing copy of the Government Press note at (W) and the Govt. are not concerned with who has the copyright in the article but with who has infringed the Govt.'s copyright in their press note.

31.1.49

E & PH

Pub (S.C)

E & P.H (G3) Legal u.o. 901C-/49-1
31/11

1 FEB 1949

7038

The Legal Dept's note above may be perused –

A Apparently the Editor of the Journal will not be liable as apparently it cannot be made out that he "knowingly" committed the offence. Please section 7 of the Indian Copyright Act, 1914.

A copy of the letters on pages 3 to 5 c.f. and extracts of the Legal Dept's note above will be taken ~~and~~ added to the linked file –

The case may be passed ~~on to~~ Pub (S.C)

p–79 (92002/48)

(Extracts taken)

~~3.2.49~~
4.2.49

5/2/49

Pub. (S.C)

8 - FEB 1949

The notes of E & P.H. and Legal from p.9 ante may be read. ~~In view of portion side lined 'A' above~~, Legal may be ~~asked~~ requested to advise ~~further~~ whether the position stated at A above is correct.

11/2/49

12/2/49

Legal

LEGAL DEPARTMENT
5 FEB 1949
DEPUTY SECRETARY

E & P.H. u.o. No. 4004/93/49-2

DEPUTY SECRETARY
FEB 1949
LEGAL DEPARTMENT

5/776/49

Pub (SC) U.O. No. S/6021-4/48
14.2.49

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(37) 47

Legal Dept

The position stated at A on page 10 ante is correct

15.2.49

Pub (S.C)

Legal u.o. 8 (S.C.)-1
15.2.49

Please see Legal Dept's note above. No ~~[illegible]~~ further action appears necy. on the Editor's letter on p.5 c.f. As E. & P.H. are taking action against Mr. Rao under the Copyright Act – vide their note on p 9 ante, – it is presumed that they will keep this dept. informed of the final result of the case. This may be awaited.

S/922/49

16/2/49

16/2/49

17.2

U.S.
C.S.

S/976/49

The Public (SC)

Please see note above. The E and P.H Dept ~~have not informed this dept. of the~~ result of the case against Mr. C.V.H. Rao for having infringed the Govt's copyright by the use of a Secretariat note for one of his articles. The file may be sent to ~~that~~ Dept. ~~for intimating the result of the case.~~ may be requested to state at what stage the matter stands at present.

45458

13/6/49

13/6/49.

14.6.49

E & PH

Public (SC)
U.O. No. S/6021-5/48
13/6/49

E & P H (G2)

The question of prosecuting Mr Hanumantha Rao under the Indian Copyright 1914 was sent to the Advocate General whose opinion was that there was no infringement of the Govt's Copyright & that a prosecution if launched would not be successful. In the circumstances the matter was dropped and the papers were recorded. Please see G.O.Ms. 1725 Edn dated the 26th May 1949.

~~Both~~ The file may be returned to Pub (SC)

15.6.49

16/6/49

S/Pub (SC) 6

Pub (SC) BOX

Sp. sealed Cover

U/22

E & PH (G2)

U.O. No. 45458 G2/49-1 Edn

17.6.49.

UNDER SECRETARY
S/2914/49
20 JUN 1949
PUBLIC DEPARTMENT

Public (SC)

Please see E & PH note above. No further action is ~~necessary~~ called for on this file and it may therefore ~~this may~~ be lodged. Before doing so, however, the file may be sent to Dev., P.W.D. and E & P.H. for removing the papers put up by them. and return

29/6/49.

29/6/49

Csl 30/6

Dev

PWD

E & PH

Public (SC)

U.O. No. S/~~6024~~ 6021-6/48

dt 30-6-1949

Dev. Dept.

(Last seen on p. 7 above).

Public (S.C.) Dept. note above may be perused and the file passed on to P.W. Dept. (The papers relating to this Dept. have been removed)

4.7.49.

4/7/49

5.7.49

Dev. no. 70518/49

4/7/49.

Dev. U.O. No. 70576/49-1

5/7/49

DEPUTY SECRETARY TO GOVERNMENT
6 JUL 1949
2110

PWD (G.9)

DS

This dept. last saw on p 8 ante. The note following may be perused and the file passed on to E & PH. (The papers put up by this dept. have been removed).

6.7.49

6.7.49

7.7.49

PWD U.O. No. 2110-G9/49-1

7.7.49

E & PH (G2)

These papers may be filed with G.O.Ms 1725 Edn dated 26-5-49.

11.7.49

12/7/49

ASST. SECRETARY TO GOVERNMENT
11 JUL 1949
EDUCATION AND PUBLIC HEALTH DEPT.

52723