

(1949) Department.

Edu.

SERIES.

G.O. NO. 2893

Dated

15 9 49

Put away
E

mp 3-5'00 record in
pencil
p 15 of 1 copy for H

[Despatch Abstract.]

Back Papers.

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

Further Papers.

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

C. No.

Department.

Sec. II-74.

List of records put up

(2)

Number.	Date.	Department.	Signature of Clerk putting up the paper.	Signature of Clerk removing the paper.

I.P.O.

Number.	Date.	Department.	Signature of Clerk putting up the paper.	Signature of Clerk removing the paper.

C.F. 32.

Education Department

Received _____ Registered _____

From (Name)

To

Designation The Director of Public
Instruction,
Station Madras.

The Secretary to Government,
Education & Public Health Dept.
Madras.

Enclosures: Rec. No. 105 M/48 dated 18-5- 1949.

Sir, Sub:- Adult Education - Continuation
reading books - Purchase of -
Copyright.

In continuation of my letter Rc.105-M/48 dated

9--5--49 regarding the printing of the continuation reading books, I submit herewith the draft of deed of sale of copyright furnished by the Government Solicitor for favour of approval. This may also be used in general for the Government's purchase of the copyright of books or works from authors.

I request early orders of Government in the matter.

Yours faithfully,

For Director of Public Instruction.

MDS

19/5

3/ (X)

MEMORANDUM OF AGREEMENT executed this . day
of One thousand nine hundred and forty-nine BETWEEN
son of

residing at (herein-
after referred to as "the Author" which expression shall
where the context permits include his heirs, executors,
administrators, legal representatives and assigns) of the
One Part and HIS EXCELLENCY THE GOVERNOR OF MADRAS (here-
inafter referred to as "the Publisher" which expression
shall where the context permits include his successors in
office and assigns) of the Other Part:

WHEREAS the Author has written the books listed
in the schedule hereto annexed and the copyright thereof
is vested in him and ^{he} has agreed with the publisher for the
sale to the Publisher of the said copyright for the sum
of Rupees (Rs.):

NOW THIS AGREEMENT WITNESSETH that

(1) In consideration of the sum of Rupees

(Rs.):

paid to the Author by the publisher (the
receipt whereof the Author hereby acknow-
ledges) the Author hereby assigns absolutely
to the publisher all his right, title and
interest in and to each of the said books
and the entire copyright thereof respectively
whether in the Dominion of India or else-
where, including all rights of translation
and dramatisation and the performing rights
in each of the said books for all the residue
now unexpired of the term or terms during
which the said books are respectively entitled
to the protection of copyright.

2/

21.11.032) Deptt:
The question of publication of ~~mission~~ continuation
read book for adults by the South Indian Adult Education
Cooperative Publishing Society Ltd Madras is under consideration.
This may be over for present till 13.6.49.

28.5.49 1.6.49

2/6/49

13
6
-2-
(2) The Author hereby warrants:

- (a) that the said books are original literary works and that he is the sole absolute owner of the copyright in each one of them;
- (b) that he has not granted any interest in or share of the copyright hereby assigned by sale, assignment, licence or otherwise to any other person;
- (c) that none of the said books ^{has} ~~have~~ been published with his consent or acquiescence;
- (d) that he shall not himself print and/or publish or cause to be printed and/or published the said books or any of them in any manner in any place;
- (e) that he shall not grant any interest in or share of the said copyright to any other person or persons by way of assignment or licence to print, publish or otherwise;
- (f) that none of the said books or any part or parts of any of them to the author's knowledge infringe the copyright of any other person or persons, firm, company or Government or other authority and none of them contain any matter which is libellous, obscene or, in any other respect, legally objectionable; and
- (g) that he shall fully indemnify and hold harmless the publisher from and against all or any claims which may be instituted by legal process or otherwise against the publisher ^{or any of the publisher's officers for any} alleged infringement of copyright of any other person or for any alleged obscene or libellous

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-5-
contents in any of the said books. (4)

IN WITNESS WHEREOF

the
Author and Director of public
Instruction, Madras, acting for and on behalf and by
the order and direction of His Excellency the Governor
of Madras, have hereto subscribed their respective
signatures the day month and year first above
written.

THE SCHEDULE ABOVE REFERRED TO.

SIGNED AND DELIVERED by the Author
the abovenamed
in the presence of;

SIGNED AND DELIVERED By the
abovenamed
Director of Public Instruction,
Madras, by the order and direction
aforesaid in the presence of;

DATED 1949.

AND

HIS EXCELLENCY THE GOVERNOR
OF MADRAS.

Draft

SALE DEED OF COPYRIGHT
OF
CERTAIN BOOKS OR WORKS.

NRP

GOVERNMENT SOLICITOR,
M A D R A S.

EDUCATION

Department

Received

Registered

From (Name)

To

Designation The Director of Public
Instruction,
Station Madras.

The Secretary to Government,
Education & Public Health Department,
Fort St. George,
Madras.

Enclosures:

R.C. No. 105 M/48

dated 27-5-1949.

Sir,

Sub: Adult Education - Continuation Reading Books -
Publication of - Purchase of Copy right.

Ref: My letter Rc. 105 M/48 dated 18-5-49.



In continuation of my letter referred to above, I furnish

herewith a copy of the letter No. 2027 dated 19-5-49 from the Government

Solicitor on the subject cited and request orders of Government as to
whether the authors of manuscripts may be asked to register the document
in case the Government approve of the deed of sale of copyright mentioned
in my letter referred to above.

Yours faithfully,

for Director of Public Instruction.

Copy of letter from the Government Solicitor, Madras, to the Director of
Public Instruction, Madras.

-oOo-

No. 2027 dated 19th May 1949.

Adult Education - Continuation Reading Books - Publication of
Purchase of Copyright.

I am in receipt of your letter R.C. 105 M/48 dated the 13th
instant and note contents.

The sale deed of copyright may be engrossed on Rs. 1-8-0
stamp paper which, failing an agreement to the contrary, is payable by
the party who receives the benefit of the contract, but in this case
under section 3(1) of the Indian Stamp Act, the Government is exempt from
payment of stamp duty and the document may therefore be engrossed on
plain paper. It is not necessary to register the document but, if
Government desires to do so, it may be registered under section 18 of
the Indian Registration Act and Government will be liable for the
registration charges.

H.M. Small,
Government Solicitor.

/True Copy/

for Director of Public Instruction.

(Under as)
p-3-6 CF
in original)

Memo No. 39229.B2/49-2 Edu.d. 9-7-49.

Sub. Adult Education - Continuation reading books - Purchase of Copyright.

Ref. From the D.P.S. RC No 105-M/48 d 18/5/49.

The D. P. S. is informed that the word 'publisher' in the draft agreement ^{though intended to} should refer to Galt. ~~but it~~ may refer to the South Indian Adult Education Co-operative Publishing Society ~~as it is the society~~ which ^{is to} undertake the publication. The ~~Crook~~ ^{Dr. S. therefore} ~~therefore~~ ^{may be} ~~that~~ the ~~former~~ ^{agreement} ~~Crook's~~ ^{reference} ~~reference~~ to 'Publisher' in the draft, should be altered into references to 'Crook'. ^{as indicated in para 1} The Director is requested to ^{refer the draft} ~~conduct the~~ ^{agreement again to} ~~as modified in para 1~~ ^{Dr. S. news} report. Solicitor ~~on this point~~ and report to the Crook.

88
7/7/19. 2
8/7/19

5m/48

EPH(B₂)

16

B2
POST COPY OF TELEPHONIC MESSAGE.
Telephone Message No. 105.M/48 dated 5-7-1949.



From The Director of Public Instruction,
Madras.

To The Secretary to Government,
Education and Public Health Department,
Fort St. George, Madras.

Sub:- Adult Education - Continuation reading books - Purchase of copy right.

Ref:- My letter R.C.105.M/48 dated 18-5-1949 and 27-5-1949.

I invite attention to my letter referred to above on the subject cited and request very early orders of Government in the matter.

file in
Section

EPH(B2)

A reference has been issued to the D.P.S. in the matter. May be filed.

J. V. Pautanabile
7.7.49

VLA.6.7.49 on 12/11/49

For Director of Public Instruction.
Ann 24/6/49

R.C.1344 B.1/49.

Office of the Director of
Public Instruction, Madras.
Dated: 31-8-49.

From
The Director of Public Instruction,
Madras.

To
The Secretary to Government,
Education and Public Health Department.

Sir,
Sub: Adult Education--Continuation reading books purchase of
copy right.
Ref: Government Memo.No.39229 B.2/49-2 Edn. dated 9-7-49.

The Government Solicitor, Madras reports that the alterations
made in pencil in the draft agreement are in order ^{and} that the same
may be carried out.

2. The draft agreement is enclosed.

3. I solicit early orders on the Government Solicitor's letter
No.2027 dated 19-5-49 copy submitting R.C.No.105 M/48 dated 27-5-49.

Yours faithfully,

[Signature]
for Director of Public Instruction.

VS.3.9.

[Handwritten initials]

10

15

Sub: Adult Edn.-Continuation reading books -
purchase of - copy rights - Draft ~~agreed~~ ^{agree-}
ments - approved.

Ref: from D.P.I Rc. No 105M/48 d 18.5.49.
" " " " d 27.5.49.

Cr. o. (Hs) 2893 dated: 15-9-49.

The Govt approve the
draft agreement forwarded by the D.P.I
in his letter read above in regard to the
purchase of copy right of the continuation
of reading books written by authors, for
educating adults.

Solicitor ^{govt} that the Govt agree with the ~~director~~
~~that the need for registration of agreement~~
~~may be dispensed with. need not~~
be registered.

2 D.P.I (with a copy of the
agreement).
10/3-5-
as cancelled
in pencil

10/9/49
12/9/49
14/9

Nok: The draft order is Submitted for
approval.

p. 5 CF
p. 7 CF

CN 39229/49. From the D.P.S, Re No. 105M/48 d 18-5-49.
C No. 41098/48. " " " d 27-5-49

Sub. Adult Education - Continuation
reading books - Purchase of Copyright.

p. 13-14 CF (H)

The Govt. have sanctioned ~~for~~^{the} printing and publication of continuation reading books for adults ~~through the South Indian Adult Education Co-operative Publishing Society.~~ ^{or a com of Rs 2000} Books for adults have been written by authors selected by the D.P.S. and these authors are to be paid a remuneration ~~of~~^{for} (manuscripts Rs 950/-). A contribution of Rs 1050/- is to be made to the Society towards the publication of books. The D.P.S. has sent a draft deed of agreement to be entered into by the author and the publisher in regard to the sale of copyright of ~~books~~^{the} ~~written~~^{work} for adults. The ~~term~~^{term} publisher used in the agreement refers to Govt. while in fact the publication is to be undertaken by a Co-operative Society. The intention of the D.P.S. seems to be that the copyright ~~belongs to Govt.~~^{is with} Govt. If so, the term 'publisher' used in the draft agreement should be modified so as to refer to Govt. alone. Legal may be consulted how this may be done.

p. 7 CF

2/ The D.P.S. raises the question whether the documents should be registered. The Govt. Solicitor has expressed the view that there is no need to register the documents. Perhaps ~~the need for~~ registration may be dispensed with.

3/ Legal may see for remarks.

EPH No. 39229/32/48-1 E. Sec.
6/28
ASSISTANT SECRETARY
8115
28 JUN 1949
LEGAL D. ARLENT

25/6/49.
25/6/49

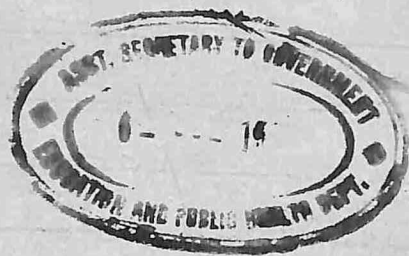
27/6/49

3/27/49 Legal

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LEGAL DEPARTMENT

A on page 1 ante:- The word "Publisher" occurring in the agreement will even now refer to the Government only. But the objection of E & P.H. to its use is that the word suggests that Government are the Publishers whereas they are actually not. If so, the references to "Publisher" in the draft should be altered into references to "Government". The necessary alterations have been indicated in pencil in the draft agreement at pp.3-5 c.f. The Director of Public Instruction may be asked to let the Government Solicitor also see the draft as modified.



51209

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B
4.7.49

S & P.H.
B2

Legal No. 8115/49-1
5-7-49

A draft memo to the D.P.S.

is submitted.

88
7/7/49
8/12/49

DM
8/17/49

cd. 686202. from the D.P.S. re P. 12000/49, 1138

2 31.8.49

one draft below

> for H.

2
13/9/49

DM
13/9/49 3 14/10