

Edn (194⁹.) Department.

MS. SERIES.

closed

G.O. NO. 3420, EDUCATION,

By
Supt

Dated 8TH NOVEMBER 1949.

[Despatch Abstract.]

COPYRIGHT - Poet Bharathi's works - Translations of -
Permission to the Mail for publication - 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.

TELEGRAMS: "MAIL."
LONDON OFFICES:
LANGHAM HOUSE,
202/8, Regent Street,
LONDON W. 1.
Telephone: LANGHAM 3981/2

Associated Publishers (Madras), Ltd., "Mail Buildings," Madras.

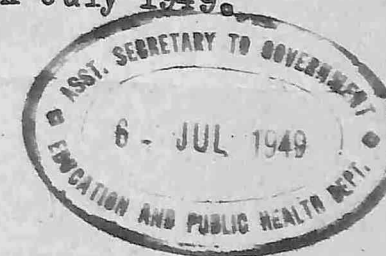
The Mail
Established 1867
Madras

WARREN The Spectator 1886. The Madras Times 1860.

Telephone: 2951 & 2952
(2 LINES)
Post Box No. 1, MADRAS

5th July 1949.

The Secretary to the Government
of Madras,
Education Department,
Fort St. George,
Madras.



51252

Dear Sir,

We wish to include translations of the poems of Subramania Bharati in a special number which we contemplate publishing to mark the anniversary of India's Independence. We learn that the copyright of those poems vest in the Government of Madras, and request that you will kindly permit us to publish translations of the following poems:

The song of Liberation, The New Woman, People of Bharata, and Kannan, my servant.

Yours faithfully,
"The Mail",

Allan Taylor,
Acting Editor.

CVR.

TELEGRAMS: "MAIL."
LONDON OFFICES:
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302/8, Regent Street,
LONDON W.1.
Telephone: LANGHAM 3981/2

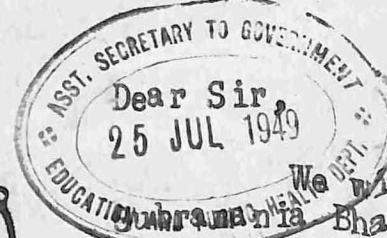
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Post Box No. 1, MADRAS

The Mail

ESTABLISHED 1867
SATURDAY The Speculator 1866. The Madras Times 1860.

The Minister for Education,
Fort. St. George,
Madras.



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The Song of Liberation, The New Woman, People of Bharata, and Kannan, My servant.

Yours faithfully,
"The Mail",

Allan Taylor,
Acting Editor.

cvr.

E.P.H. (2/2)

(E.P.H.)

Please see the minutes of H.M. at p. 1 overleaf.

This is another copy of the letter from the Ag. Editor, The Madras Mail, on the same subject as that found at p. 1 c.f. A reply has already been sent to the Editor, Madras Mail, on 23-7-49, this may therefore be lodged and added to c.f. p. 1-2 m.f.

8
26/7/49.

2002

(v) 5 E.P.H. (82)

Letter No. 51252-92/49-2 E.P.H. dated 23-7-49.

R.L.

To

The Editor, The Madras Mail, Mount Road, Madras.

Sir,

Bharathi's Songs -
Inclusion in the Independent
Special Number of The Mail.

With reference to your letter of the 5th July 1949 on the above subject, I am directed to state that

2
The Govt. have no objection to your publishing translations of the four poems of Subrahmany Bharathi mentioned in your letter, by you, in the Independence Special Number of the "Madras Mail," without prejudice to their copyright

Y. T.

20

copy to be sent (with a copy of the letter) to the

old with 22/1)

14.7.49.

Note

The main file regarding the acquisition of the Copyright in the Poet Bharathi's works has been separately submitted. Consent of the Owner of the Copyright is

3/2 (4)
is necessary for the publication of this translation under Sec 2 (1) of the British Copyright Act -

14.7.49.

old have we examined precisely the copy of copyright. With this permission, the not one, offered also others to use the translation without prejudice to us. Perhaps we could keep the copyright on the translation for a year or two. We shall be glad to have the pleasure to have knowledge of the present state of the matter. We are in a position

on copyright. what are the
previous decisions in this respect? 16/7
S. Perceval

The question raised by the Secretary
has not been considered in this Dept.
2. Under Section 1(2) of the
British Copyright Act, 1911, applicable
to India, "Copyright" includes
the sole right to produce, reproduce
perform or publish any translation
of the work. In view of this
right, the consent of the owner
of the Copyright is necessary under
Sec 2(1) of the Act, for the
publication of the translation
of

p 466 of
the Bk
put up
Remember

p 467 of
the Bk
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of the work. The permission now
sought & given proposed to be given
is only for the publication of the
translations in question in the
"Independence Special Number of the
States Mail". This permission does
not mean that the owner, by
franking it, divests himself of his own
Right to publish the translations,
which, evidently, continues to be
the owner's under Section 1(2). It
would appear therefore that if
any other person desires to
publish the translations on
another occasion or for a different
purpose, he will have to seek the
consent of the owner (in this case,
the Govt.) for their publication.
Legal may see the law
& offer remarks on the question
raised -

16/2/49

16-7-49

5/16/7 Legal

E & P.H. W. 6. No. 51252-42/49-1
dated 16-7-49.



With reference to paragraph 2 of the note of

E & P.H. at pp. 4 & 5 above it may be pointed out that as
regards translation of works first published in British
India, the British Copyright Act, 1911, is subject to the
modification specified in section 4(1) of the Indian
Copyright Act, 1914. That section is reproduced below
for facility of reference:-

"4(1). In the case of works first published in
British India, copyright shall be subject to this
limitation that the sole right to produce, reproduce,
perform or publish a translation of the work shall

subsidist only for a period of ten years from the date of the first publication of the work.

Provided that if within the said period the author or any person to whom he has granted permission so to do, publishes a translation of any such work in any language, copyright in such work as regards the sole right to produce, reproduce, perform or publish a translation in that language shall not be subject to the limitation prescribed in this subsection".

In view of the above, E & P H may kindly find out whether the copyright in the translations mentioned at E on pl c.f. still subsists.

Legal No. 908/49-1
20.7.49.



With reference to the Legal Dept's note above it is submitted that E & P H was aware of Section 4(1) of the Indian Copyright Act, 1914 reproduced by Legal in their note - When the question of the acquisition of the Copyright was under consideration, the Govt. Solicitor, on a reference issued to him, raised the question of the limitation of the Copyright in respect of translations of the works in view of the section of the Copyright Act referred to above. As both sides were anxious to reach a decision urgently and make an announcement in the Legislative

Legislative Assembly on the 12th March last, the points raised by the Govt. Solicitor were not pursued. Further action to give effect to the orders of Govt. was proceeded with on the assumption that the parties had all rights - ^{A copy of the deed of transfer of the rights by their owner, Sri C. Viswanatha Iyer is at pages 1-5 of (N) below -} If the point is to be pursued, Sri C. Viswanatha Iyer will be asked to furnish the information necessary to decide the point - The main file on the subject has been sent to PW (J.P.) and Legal & Public Health may be awaited -

2. For the purpose of this file and especially for answering Leg's point at M on p. 3 ante, it does not appear necessary to consider the point raised by Legal. "The Mail" wants permission from Govt. for the publication of the translations of certain songs on the assumption that the Govt. have the entire Copyright. It is proposed to inform the "Mail" that the Govt. have no objection to the publication of the translations - It does not appear that there is any harm in giving a reply as proposed. If subsequently on examination, it is found that this particular right does not exist, permission of the kind now proposed will

only become a superfluous. ~~For~~
Can the assumption that the entire
right subsists, the answer to
Legy's point at M on p 3 ante
is "No".

3. This for orders whether
the draft on pages 1-2 ante
may issue. After issue the point
raised by Legat may be taken up
for consideration suggested in para 1 above -

llh
22.7.49. m
22.7.49

No amplified, which
should protect such copyright
as we possess

22
7

(Letter No. 51252-ep/192 Edm. dated 23-7-49.)

pages 1-2 ante-

The reply to the Editor of the "Mail"
has gone. The main file relating
to the purchase of the Copyright
referred to at M on the previous
page may be awaited from the
Dept till 1.8.49.

llh
24.7.49. m
25.7.49

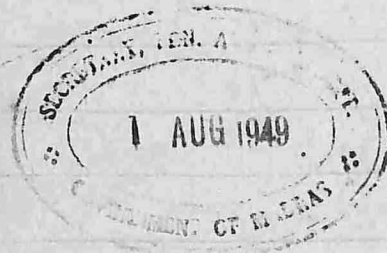
PT. W. K. W. 197

PTO

from the Editor, The Mail-
27 12 12 July 49.

The letter on p 3 of
only a copy of the letter on
ante to which a reply give
the permission asked for has
sent - It is (Edm. Law) may
the file with reference to his
orders on p 3 of.

llh
25.7.49. m
26.7.49
H. M. (E+L) 26
KM 2917



x 63871
49.

Please see M on p 7 ante -
The point regarding the rights in
respect of translating has been
raised in a separate file -
This may lie over till

15.10.49

llh
10.9.49 m
12.9.49
Pl. recht

Copyright -
Poet Bhayathi's
works - transla-
tion of - permis-
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Mail for pub-
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Records -

This point has been dealt with
in a separate file (CIR 63871-49)
No further action seems to be
necessary. The papers may now be

Order 3420 Lda. 10/8.11.49
Ms. Records -
7.11.49

24 249 251 25

The file will reference to this
 on p 2 of

$\frac{25}{2}$

Please the
 the following
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 this way

This fruit has been kept for
 in a separate file - one 238-1
 No further action seems to be
 necessary. The location may vary to
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