

Govt of Madras

closed

Edu Cation Dept

32
Supt

Ho(Ms) No

1567

Date

22.5.50.

psd

Cham 11/1/51

Copyright - Bhambhani's Songs - Gramophone recording
of - Royalty Collections - 75 per Cent donation to the
Mahatma Gandhi Memorial Stupa Fund
Ordered

Geo. 165 (us) d 20/1/50

Further papers
by S.O. 2946 Edn
2.11.50

20 (us) 1334 Edn 14/5/51

Copy of letter dated 1st December 1949 from Sri R. Krishnamurthy, Secretary, The Mahatma Gandhi Memorial Stupa Fund Committee, 116-119, Dr. Guruswamy Mudaliar Road, Kilpauk, Madras-10, to the Hon'ble Sri M. Madhavam Menon, Minister for Education, Government of Madras, Madras

8468
An adhoc committee consisting of the nine members printed above has been formed to collect funds for erecting a Memorial Stupa in memory of Mahatma Gandhi on the Marina, Madras. In this connection Srimalathi M.S. Subbalakshmi has kindly consented to record on gramophone, five double sided records of Bharathiar's songs for the benefit of the Stupa Fund. The royalty due on such records will be paid by the Gramophone Co., Ltd., (His Masters' Voice Co.) to the Stupa Fund Committee.

I request the Government on behalf of the Committee to grant permission to Srimalathi M.S. Subbalakshmi to sing for gramophone recording eleven songs of our National Poet Sri Subramania Bharathiar which copyright now vests with the Government.

I understand that the Government stipulate a condition for gramophone recording of Bharathiar songs by which the recording company must pay a royalty of one anna per record sold to the Government. Srimalathi M.S. Subbalakshmi is paid the highest royalty for an artiste in India by the Gramophone Co., Ltd., and if the Government insist on the one anna royalty, I understand that the Gramophone Co., Ltd., will not be able to pay it over and above the royalty that they are paying to Srimalathi M.S. Subbalakshmi and that they will deduct the one anna from the artiste's royalty and pay to the Government. Since Srimalathi Subbalakshmi has consented to sing on gramophone record for no consideration and for the sole benefit of the Stupa Fund and since the entire royalty payable to the artiste will be paid by the Gramophone Co., Ltd., to the Mahatma Gandhi Memorial Stupa Fund Committee on such recording, I shall be grateful to the Government, if as a special case they would condescend to waive this one anna royalty per record on records that Srimalathi M.S. Subbalakshmi will be giving for the benefit of the Mahatma Gandhi Memorial Stupa Fund.

For five double sided gramophone records we need ten songs and by way of a contingency which might result in any one song being dropped I am requesting permission from the Government for recording eleven Bharathiar songs instead of ten.

I have given below seven songs and I shall intimate to the Government before the end of this month the other four songs.

1. 'Vellai Thamarai Poovil Iruppal.'
2. 'Nenjukku Neethiyum'.
3. 'Oli Padaitha Kanninai Va Va Va!
4. 'Mannum Imaya Malai'.
5. 'Bharatha Samudayam Vazhgave'.
6. 'Vazhga Ni Emmaun'.
7. 'Kannan Mana Nilayai Thangame Thangam!'

I request the Government once again to grant Srimalathi M.S. Subbalakshmi permission to record the above seven songs on gramophone.

/True copy/

Copy to Srimalathi M.S. Subbalakshmi,
Sladens Garden, Kilpauk, Madras.

COPYRIGHT - Bharathi's songs - Gramophone recording of -
Royalty collections - 75 per cent donation to the Mahatma Gandhi Memorial Stupa Fund - Ordered.

Read again: G.O. No. 165, Edn., dated 20-1-50.

ORDER/MS. NO. 1567 EDN., DATED 22-5-50

In G.O. No. 165, Edn., dated the 20th January 1950 the Govt. have permitted the recording on the Gramophone by the Gramophone Company Ltd. of eleven songs of the Poet Subramanya Bharathi, as sung by M.S. Subbalakshmi for the benefit of the Mahatma Gandhi Memorial Stupa Fund. The permission is subject to the Govt. of a royalty at the rate of one anna per record of the songs sold by the Company.

2. The Govt. have now decided to make a contribution to the Mahatma Gandhi Memorial Stupa Fund, of 75 per cent of the aggregate amount payable by the Gramophone Company as royalty, to Govt. in pursuance of the orders referred to in paragraph 1 of this G.O., for a period of one year from the date of the first sale of the Gramophone records in question. The exact amount payable to the Fund under this order will be sanctioned by the Govt. after intimation to the Committee as the accounts of the Company become available.

3. The Gramophone Company Ltd., is requested to be so good as to state whether the sale of the records has begun and if so, when, and to submit a statement of the accounts in respect of the royalty to Govt. on the records under these orders at the end of the period mentioned in para 2 of this order. The payment due to the Mahatma Gandhi Memorial Stupa Fund Committee should at the same time be made direct to the Committee and intimation of the fact sent to the Govt.

To
The Secy., Mahatma Gandhi Stupa Fund Committee,
116-119 Dr. Guruswamy Mudr.
Road, Kilpauk, Madras-10.
The D.P.I.
The A.G.
The Manager, The Gramophone Company, Caltank House
S.C. (3)
12, Mt Road
Madras

17.3.50 17.3.50

Clean Copy of this draft is kept below

done & full advice 4/5/50

Sanctioned by the Govt. after

Clear Copy of the draft annex

EDN. DEPT. (F).

COPYRIGHT - Bharathi's songs - Gramophone recording of - Royalty collections - 75 per cent donation to the Mahatma Gandhi Memorial Stupa Fund - Ordered.

Read again: G.O. No. 165, Edn., dated 20-1-50.

ORDER/MS. NO.

EDN., DATED

In G.O. No. 165, Edn., dated the 20th January 1950 the Govt. permitted the recording on the Gramophone by the Gramophone Company Ltd., of eleven songs of the Poet Subramanya Bharathi, as sung by Srimathi M.S. Subbalakshmi for the benefit of the Mahatma Gandhi Memorial Stupa Fund. The permission is subject to the payment to the Govt. of a royalty at the rate of one anna per record sold by the Company.

2. The Govt. have now decided to make a contribution to the Mahatma Gandhi Memorial Stupa Fund for a period of one year from the date of the first sale of the Gramophone records in question of 75 per cent of the aggregate amount payable by the Gramophone Company as royalty, under that Govt. order. The exact amount payable to the Fund under this order will be sanctioned by the Govt. after the accounts of the Company become available.

3. The Gramophone Company Ltd., is requested to be so good as to state whether the sale of the records has begun and if so, when, and to submit a statement of the accounts in respect of the royalty to Govt. under these orders, at the end of the period mentioned in para 2 of this order.

To

The Secy., Mahatma Gandhi
Stupa Fund Committee,
116-119 Dr. Guruswamy Mudr.,
Road, Kilpauk, Madras-10.

The D.P.I.

The A.G.

The Manager, The Gramophone
Company.

S.C. (3)

(41) 6
Extract from the "Hindu" dated 21st February 1950.

GANIHI MEMORIAL STUPA.

Rs. 25,000 granted by Govt.

Madras, Feb. 20

The Govt., it is learnt, have decided to contribute Rs. 25,000 to the Mahatma Gandhi Stupa Fund.

The Stupa is proposed to be erected by public subscriptions on the Marina, opposite the University Buildings. The required site for the stupa will also be made available by the Govt.

8
6 8 J.
Telephonic Message (Roc.No.1035 J/50)dated 4-8-1950
(Post Copy)
=====

From The Director of Public Instruction,
Madras.

To The Secretary to Government,
Education Department,
Fort St. George.



Ref: G.O.No.1567 Education dated 22-5-1950. 134/6
=====

Kindly let me know whether the "eleven songs" mentioned
in para 1 of the G.O. cited is an error for 7 songs. (vide Govern-
ment Memo No.95765/G2/49-1 Edn., dated 8-12-49.

for 15/9/50
20/11/50

N. Prasad
28/8

for Director of Public Instructions.

KHR.4.8.
W.D. Suresh

7

22915/F/50 Copyright. Bharathi's Songs - Gramophone recording of eleven songs for the benefit of the Mahatma Gandhi Memorial Stupa Fund -

2nd 24.8

for from the D.P.I. T.M (Post Copy) Rec. No. 1035 J/50 d 24/8/50

DD

Memo. No. 22915/50 - 1st Edu. d. 24/8

p 34/6

The D.P.I. is informed that the order in para 1 of G.O. 1567 Edu. d. 22/5/50 Supercede those in Memo. No. 95765/29-1 Edu. d. 8.12.49.

for inf/ 9.165 20/1/50

To D.P.I. 26/8

22/8/50
22/8/50

23 830

Note: Please see the post Copy of the T.M from

P.T.O.

2-11
 The P.P. in the Cf. It is submitted that in view of the extreme urgency of the request of the Mahatma Gandhi Memorial Stupa Fund Committee orders were first issued permitting the recording of seven songs only vide memo. 95765/G2/49-1 dated 12/12/49 but subsequently in 1950 vide memo 20.1.50 sanction was granted for the recording of eleven songs as requested by the Secretary of the above Committee vide 'y' on p.2 of Cf. @ 40.1.65 Edn. 20.1.50.
 The draft overleaf is for approval.

Ch
 2/8/50
 22/7/50

40/65
 20/1/50

Extract from the Note File bearing C.No. 95765/G2/49 relating to Copyright - Bharathi's songs - Gramophone recording - Permission accorded to Srimathi M.S. Subbalakshmi by the Gramophone Co., Ltd., Orders passed.

The question of royalty raised in para 3 of the letter has to be decided in consultation with Finance and after circulation to H.M.(Fin.). It will take time for a decision to be given taken on this question. A gentleman connected with this committee says that immediate arrangements have to be made for the recording of the songs and that orders granting the permission may be issued without prejudice to the question of royalty. Hence the draft is put up. H.M.(E. & L.) has agreed.

After issue, the question will be examined in consultation with Fin.

V.R.
 8-12-49

J.M.L.P.
 8-12-49

In the third para of his letter Sri R. Krishnamurti says that Srimathi M.S. Subbalakshmi has agreed to the royalty due to her from the Gramophone Company being paid to the Mahatma Gandhi Memorial Stupa Fund Committee. The royalty of one anna per record sold relates to the sale of the Gramophone records to the public. Undoubtedly the Company will charge comparatively high rates for these sale proceeds is not much. It does not seem to be correct to say, as Sri Krishnamurti does in para 3, that the artiste's royalty will be reduced if the royalty due to Govt. is also paid. There seems to be no case for the waiver of the usual royalty of one anna per record sold. Please see para 1 of Letter No. 53962-G2-49-2, Edn., dt.18-7-49.

V.R.
 7-1-50

Fin. may see.

V.R.
 7-1-50

J.M.L.P.
 9-1-50

Fin.

xx

xx

xx

This exemption may create an awkward precedent. In any case, it will be an indirect and indefinite contribution to the Fund. It would be better, if a contribution is to be made, that the whole total of the royalty, or any other specified sum is given by Govt.

J.M.L.P.
 12-1-50

H.M.(E. & L.)

'X' above. I don't follow. Please explain.

K.M(adhava Menon),
 17-1-50

The Secy's point is that Govt. will in effect be giving their Royalty to the Gandhiji Stupa Fund but not getting credit or even acknowledgment for that and that if this is to be agreed to, it is better to say that the Royalty realised from this will be the Govt's contribution to the Fund. I agree we can tell the applicant that the Govt. will contribute 75% of the Royalty received from the records for the Fund.

K.M(adhava Menon),
 19-1-50

We may reply at once agreeing to para (4), and say that in respect of royalty Government are considering if any part of it can be donated directly as their contribution. Finance can see after issue.

3 4 5 in C
 M

(Issued as G.O. 165 Edn., dt. 20-1-50).

The G.O. on p.5 c.f. as issued. Extracts will be taken from this file and the question of a Govt. contribution to the Stupa Fund, out of the royalty collections will be considered separately.

Finance may see.

V.R. 23-1-50 J.M.L.P. 23-1-50

Fin.

It is presumed that the question mentioned at 'A' above will be referred to ~~in~~ Fin. in the usual course before issue of orders.

U.S.K. 25-1-50

E. & P.H.

/True extracts/

E & P.H. (G.2)

Orders have issued permitting the recording of eleven songs of the Pott Bharathi as sung by Srinivathi M. S. Subbalakshmi - the records of which are to be produced by the Gramophone Company Ltd. - The Artists will donate to the Mahatma Gandhi Memorial Stupa Fund, the payment made to her by the Company.

It has been ordered that, as usual, the Gramophone Company should pay the Govt. a small Royalty at the rate of one Anna per record sold. Mr (E & L) has minutes that 75 per cent of these Royalty Collections may be donated by the

the Govt. to the Stupa Fund. We do not know the present stage of the Recording of the songs, but it may be observed that even if the Records are ready for sale even now, the Royalty payments due to the Govt. will be made available some time after the sale of the Records starts. So the exact amount to be donated cannot be anticipated just at present - These royalty payments being perpetual, it may be necessary to specify, in the order sanctioning the Govt's Contribution, the amounts accruing in a particular period, say one year or two years, which will probably be the period during which the Records can be expected to be most popular - It seems to be necessary perhaps to ask Mr R. Krishnamurthy, Secy of the Stupa Fund Committee whether the Records are ~~on~~ on the market, and whether, on the basis of the sales if any, which have so far taken place, he can give us a rough estimate of the Royalty payments referred to in para 2 of G.O. No 165 Edn. dated 20.1.50, which can be expected from the Company for the first year after the sale has started.

This is also for consideration whether Mr (E & L)'s suggestion of 75 per cent of the Collections being contributed to the Fund will be adhered to.

Fin. may see the case before

One year should be enough

x after they come to the market

C/54

C/14

C/54

C/5

M on p1

M on p.1 ante

8468/1/50

This is a special case and the fear of this becoming a precedent to need not deter us. The recording is specifically for the Gandhi Stupa fund and what is suggested is that we need not make again out of this transaction. So 75% of the Royalty collected for a year may be given to the Stupa fund.

1/3

Hm (Fin) may see the minutes of Hm (Edn) above.

13.50

2/3/50

5

3/5

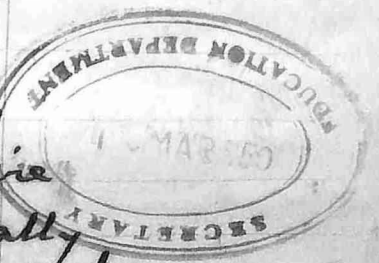
Fin

Hm (Edn)

9.3

In view of the orders in the above minutes, it will be necessary to ask the Gramophone Company to render the accounts in respect of the Royalty payable for the first year, at the end of the year. The Company may be asked to make the payment of the amount direct to the Committee. A draft order is submitted for approval.

2. Similar permission has been given in other cases. So it seems to be necessary to require the Companies concerned normally to submit half yearly accounts of the Royalties and also to make



make the payments every six months in the year. The A.G. may perhaps be consulted as to the procedure to be followed in these cases.

3. A new budget head of receipt under "Education" will have to be opened.

4. Finance may see the orders in circulation and the draft. (After orders issue in this case, the matters referred to in paras 2 & 3 above may be separately dealt with).



Edn v.o. no 8468/1/50-2 17.3.50 18/3/50

18/3/50

Fin (Acch)

(Att. Finance note on pp 4-5 above)

Orders in circulation on page 6 above and the further notes of Edn Dept. on pp 6-7 above may be perused. Edn Dept. may be requested to kindly put up the papers referred to at 11 on page 5 above before the remarks of this Dept. are offered.



Fin v.o. 19886/1/50-1 4.4.50 Paper Cutting not available in P.W. (12/5)

4/4/50

Edn

Edn F

Please see Finance v.o. note above. The notes of Education Dept. on p 5 ref was based on the report published in the dailies - an extract of the report from the Hindu d 21/2/50 is put up at @. There are no other papers on this subject in this Dept.



Edn v.o. no 8468/1/50-3 11/4/50

10/4/50

11-4-50

Finance

104.50

(110)

Finance (Accounts).

(Previous Finance note on p. 7 above).

The notes of Edn. Deptt. on p. 7 above may be

soon. [With reference to this department's ^{query} note on p. 7 regarding the contribution of Rs 25,000 by the Govt. for the Gandhi Memorial Stupa and above Edn. have stated that their notes at 'M' on p. 5 above ^{news} was written with reference to paper reports and that there are no papers with them.]

The proposal is that 75% of the aggregate amount payable by the Gramophone Company ^{as} royalty to the Govt., ^{at one anna per record of Bharati's songs} should be paid as a contribution to the Mahatma Gandhi

Memorial Stupa Fund for a period of one year from the date of the first sale of the gramophone records. ^{has been} This ^{actual} amount that will be paid as ^{the actual} contribution to the Fund is not known, as it would depend upon the number of records

to be sold by the Gramophone Company ^{of eleven songs of the} ^{Prof Subramany Bharati as sung by Srimathi M. S. Subbulakshmi.}

2. Financial Procedure.- As the contribution ^{for which the State have not to contribute} now payable is for a private cause, the proposal should be treated as a "New Service" and referred to the S.F.C. and the Cabinet. The Edn. Deptt. will have to obtain ^{the sanction} ~~also a~~ ^{of the legislature} supplementary statement of expenditure ~~in due course.~~ ^{the sanctioning orders on the scheme.}

3. Head of debit.- ^{entire} The royalty may first be ~~credited~~ ^{credited} to Govt. accounts under "XLVI. Miscellaneous - Miscellaneous" under a new detailed head "Royalty from the Gramophone Company Ltd.". 75% of the collections realised, for the first one year may be sanctioned as a contribution by the Govt. and debited to the head "57. Mis. - f. Contributions", a new sub head of appropriation being opened

for the purpose. Edn. may be requested to consult the A.G. on this ^{point} before ^{the issue of final orders.}

If it is a fact that the Govt. have decided to contribute Rs 25,000 to the Mahatma Gandhi Memorial Stupa Fund - ^{vide the newspaper cutting at (W)} - the further proposal to pay a portion of the royalty

realisable by the Govt. on ^{records of Bharati's} songs also to the Fund need ^{to be treated as} a separate scheme for the purpose of the financial procedure to be followed. In other words, the total payments to be made ^{may be treated as for} a single contribution (to be made in two instalments) for the same purpose. Such a contribution for the to be treated as a "new service" requiring prior approval of the legislature. ^{in 1950-51} Expense cannot be incurred ^{for this item not provided} in the budget in anticipation of the approval of the legislature - vide Art 205 of the Constitution.

^{Even if} the intention is that only a portion of the royalty on the records will be paid to the Fund in 1950-51 without any other contribution by the Govt., the expense should be treated as on a "new service" requiring prior approval of the legislature. (The permission for recording the songs was given in

January '50 and one year of sale will be over only by Feb. '51 or later. The amount of royalty can be determined only then and so, payment to the Fund can be made only towards the end of this year. There will therefore be no difficulty in getting the approval of the legislature before actually making the payment. The Govt. may announce their intention in advance, if this is considered desirable.)

By the ^{non-recurring} payment by way of 75 percent of the royalty income it will not involve any large sum. Even if 1 lakh of records are sold in the first year, the royalty realised at 1 anna per record will amount to Rs 6,250, and 75% of this will be Rs 4,687 only. In the circumstances, it is not necessary to place this proposal also before the S.F.C. and the Cabinet. It would be enough if the case is circulated to W.C.M. in addition to W.M. Edn & Finance as a question of policy is involved.

For No 26188/Recd/10-1
20.4.50



of order on p 6 above
(x 11 songs as sung by Srimathi M. S. Subbulakshmi)

see below
20.4.50

19.4.50

20.4.50

The 'Min (B.G.)
18.4.50

x Education
Lore is
information
at W.M. p 7 above

18/4/50

to 4-1-2-10-10

19.4.50

20.4.50

11/20/50
Edn

EDN. DEPT. (F).

The proposal in this file is that 75% of the aggregate amount payable by the Gramophone Co., Ltd. royalty to the Govt. at the rate of one anna per record sold of Bharat songs as sung by Srimathi M.S. Subbulakshmi, be paid as a contribution Govt. towards the Mahatma Gandhi Memorial Stupa Fund for a period of one year from the date of the first sale of records. This has been agreed to by H.M.(E.& L.) and H.M.(Fin.). Fin. Dept. have been consulted regarding the financial procedure to be followed before their remarks are on pp.8-9 ANTE.

the issue in reference to para 1 and 2 of Finance Asst. Secy's note on E, it is submitted that there is no information regarding the contribution of Rs. 25,000/- to the Mahatma Gandhi Memorial Stupa Fund.

The contribution proposed ^{in this file} ~~to be made~~ may therefore be treated as a separate item and necessary action on the lines indicated at 'X' on p. 9 ANTE may be taken before payment is actually made. A call book entry to the effect

will be made. With regard to the Head of Debit, extracts will be taken ^{for} ~~and further~~ action ^{Separate} ~~taken~~ in consultation with the Accountant-General.

The draft order ^{as amended in pencil} below may now issue after circulation to H.M.(E.& L.), H.M.(Fin.) and H.C.M.

② Vide Finance note at A on p. 9 ante

H.M.(E.& L.)

H.M.(Fin.)

H.C.M.

M. keep a clean copy as received

A clean copy of the draft is also attached to it.

HAS