Se 11, 11-27-104,006-4-11-49.

EDUCATION (195) Department.

MJ SERIES. closed

Supt

G.O. NO. 2946 Edn. 2946

Dated 2-11-1950

41

[Despatch Abstract.]

Copy right - Bharathi's songs - Reproduction of-Royalty collections - Accounting procedure Orders passed.

****

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
GO (Ms)	~~[illegible]~~ 165	Edn	20/1/50				
GO	1567	Edn	22/5/50				

Further Papers.

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

1

(2)

F

The Gramophone Company Ltd
(INCORPORATED IN ENGLAND)

HEAD OFFICE & FACTORY IN INDIA:
33, JESSORE ROAD,
DUM DUM
TELEGRAMS:
"JABBERMENT", CALCUTTA
TELEPHONE:
DUM DUM: 131, 132 & 133

"HIS MASTER'S VOICE"

TELEGRAMS & CABLES:
"JABBERMENT", MADRAS
TELEPHONE:
8335, MADRAS.
CATHEDRAL HOUSE
122, MOUNT ROAD
P. B. 705, CATHEDRAL
MADRAS 6

IN YOUR REPLY PLEASE REFER TO:
F/A.

31 MAY 1950
EDUCATION DEPARTMENT

29th May 1950.

13608

The Secretary,
Education and Public Health Department,
Government of Madras,
Madras.

b1 uf / © — (Removed [illegible])

Dear Sir,

We refer you to your memorandum No. 95765/G2/49-1 dated 8th December 1949 on the subject of:-

> Copyright - Bharathi's songs - Gramophone Recording - Permission accorded to Sm. M.S. Subbulakshmi by the Gramophone Co., Ltd., orders passed.

X

It will be noted from para 2 of your above memorandum that orders on the question of waiver or otherwise of the royalty on the records sold will be issued at an early date. So far we have not been favoured with a copy of such an order. We shall thank you to let us have a copy of the same if the order has already been issued, if not we request you to consider the position and waive the copyright fees on the recordings of Sm.Subbulakshmi for 'Mahatma Gandhi Memorial Stupa Fund' to enable the entire royalties to be paid to the said Fund.

Yours faithfully,
THE GRAMOPHONE COMPANY LIMITED,

Manager.

AKS.

2

3F

(3)

The Gramophone Company Ltd
(INCORPORATED IN ENGLAND)

HEAD OFFICE & FACTORY IN INDIA:
33, JESSORE ROAD,
DUM DUM
TELEGRAMS:
"JABBERMENT", CALCUTTA
TELEPHONE:
DUM DUM: 131, 132 & 133

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CATHEDRAL HOUSE
122, MOUNT ROAD
P. B. 705, CATHEDRAL
MADRAS 6

ASSISTANT SECRETARY
1 JUN 1950
EDUCATION DEPARTMENT

IN YOUR REPLY PLEASE REFER TO:
P/AKS

31st May 1950.

13914

The Secretary,
Education & Public Health Department,
Government of Madras,
Madras.

Dear Sir,

Ref: Your Memorandum No. 95765/G2/49-1 Edn
dated 8th December 1949.

Bharathi's songs - permission granted for gramophone recordings -
MAHATMA GANDHI MEMORIAL STUP FUND COMMITTEE.

--

We have to advise you that we have recorded the following two songs and issued the same under our Record Coupling Number N. 28150 by Sm. M. S. Subbulakshmi in March 1950:-

Oli Padaitha Kanninai Va Va Va
Mannum Imaya Malai

We would refer you to our letter P/A of the 29th instant on the subject of copyright royalty on the above and we await your advice in this connection.

Yours faithfully,
THE GRAMOPHONE COMPANY LIMITED,

Manager.

AKS.

The Gramophone Company Ltd
(INCORPORATED IN ENGLAND)

HEAD OFFICE & FACTORY IN INDIA :
33, JESSORE ROAD,
DUM DUM

TELEGRAMS :
"JABBERMENT", CALCUTTA
TELEPHONE :
DUM DUM : 131, 132 & 133

"HIS MASTER'S VOICE"

TELEGRAMS & CABLES :
"JABBERMENT", MADRAS
TELEPHONE :
8335, MADRAS.

CATHEDRAL HOUSE
122, MOUNT ROAD
P. B. 705, CATHEDRAL
MADRAS 6

(4)

IN YOUR REPLY PLEASE REFER TO:
P/AKS.

31st May 1950.

ASSISTANT SECRETARY
14053
3 JUN 1950
EDUCATION DEPARTMENT

The Secretary,
Education & Public Health Department,
Government of Madras,
Madras.

Dear Sir,

Ref: G.O. Ms. No. 3121 Education dated 11-10-1949
Ref: G.O. Ms. No. 156 165 " 20- 1-1950

P 9ef/(P)

P54/(C)

BHARATHI'S SONGS - PERMISSION GRANTED FOR GRAMOPHONE RECORDING.

We have to advise you of our having recorded the following Bharathi's songs so far and the records will appear under our coupling numbers as detailed below:-

Coupling No.	Title.	Artiste(s)
N. 28149	Pozhudu Pularndadu Parukullae Nalla Nadu	Sm. N.C.Vasanthakokilam
N. 28175	Ulagathu Nayakiyae Thediyunnai Charanadainthen	A.P.Komala, G.S.Vijaya Rao & Party.
N. 28176	Bharatha Desam Vazhga Nirandaram	Sm.N.C.Vasanthakokilam

P.T.O.

Back Papers.

6

16

15

Record N. 28149 has been released in the month of April 1950 and records N. 28175 and N. 28176 have been scheduled for release in the month of July 1950.

Our statements of royalty accounts at the rate of 1 anna per D/S record copyright royalty on the nett sales together with payments thereof will be sent to you half-yearly, i.e., January/June and July/December.

We shall advise you as and when further Bharathi's songs for which you have kindly granted us permission are recorded and issued.

Yours faithfully,
THE GRAMOPHONE COMPANY LIMITED,

Manager.

AKS.

---

(5)

Edn Deptt

Copyright - Bharathi's songs. Gramaphone recording of - Royalty Collections.

Reference G.O. No 165 Edn d 20.1.1950

Memo No 14851/F/50-1 Edn 23/6/50

1/23/6

It has been suggested that the entire royalty due to Govt with reference to the orders in para of the G.O. cited above may first be credited to Govt accounts under XLVI - Miscellaneous. - Miscellaneous under a new detailed head 'Royalty from the Gramaphone Company LTD' and that 75% of the collections to be realised for the first one year and paid as a contribution by the Govt to the Mahatma Gandhi Memorial Stupa fund may be debited to the head '57 Mis - f. contributions' a new subhead of appropriation being opened for the purpose. The A.G is requested to offer remarks on these ~~suggestions~~ suggestions regarding the Credit & debit heads referred to above.

p. 5 c.f. of (W)

(since removed / put up with the file)

CN 22925 F/50 p. 8 n/f

(W)

& other concern

contribution to Gandhi - ~~payment~~ Stupa memorial

1ov.

It has been suggested that

Payment of royalty is being insisted upon in gramaphone for the recording of the Tamil Poet Bharathi's songs by gramaphone companies ~~it appears necessary to ask the~~ and the companies have agreed to submit half yearly account of the royalties and also make the payments every six months ~~to to~~ in the year. The A.G. is requested also to ~~suggest~~ offer ~~remarks~~ on this ~~the procedure~~ & on the procedure to be adopted for the realisation

P

2

of the royalties due to Govt. from the Gramophone companies, ~~DOD~~

136/50

UBOD.

24/6

To
The A.G.
Copy to the D:PI

Ex. R/ on 21/7/50.
N.R. 15/8/50.

Edu (F)

16/7

⑥

13608/F/50

Let. Ref. No 13608/F/50-1 Edu. d 3/7/50.

To
The Manager, The Gramophone Co. Ltd.
122. Mt. Road, Madras (6).
(With a copy of G.O. 1567 Edn d 22.5.50)

Dspd 6/7.

Sir,

Copyright - Bharathi's Songs - recording of royalty Collection of.

Your letters. P/A d 29.5.50 and P/Aks. d 31.5.50.

pp 1-6 cf.

I am to acknowledge the receipt of your letters cited above and to invite your attention to the orders issued in G.O.(Ms) No 1567 Edn d 22.5.50 ~~on the above subject~~ a copy of which has already been sent to you. Another copy of the G.O. is now sent.

Your statements regarding the amount of royalty payable are awaited

30/6/50

30/6/50

3.7.50

8

To
The Manager, The Gramophone Co. Ltd.,
[illegible] Mount Road, Madras.

Sir,

Copyright – Bharathi's Songs – recording of – [illegible]

[illegible]

I am to acknowledge the receipt of your letter dated 7th [illegible]

[illegible]

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7 (7) 9

The Gramophone Company Ltd.

(Incorporated in England)

Codes :
A. B. C. 5th and 6th Editions
Liebers, Bentleys,
Western Union.

Telegrams :
JABBERMEN
Madras
Telephone :
8335 — Madras

Head Office and
Factory in India
33, JESSORE ROAD
DUM DUM

"HIS MASTER'S VOICE"

CATHEDRAL HOUSE
122, MOUNT ROAD, MADRAS-6

Please address your
Reply to :—
POST BOX 705
CATHEDRAL MADRAS

ASSISTANT SECRETARY
HEALTH DEPARTMENT
10 JUL 1950
19180

In your reply please refer to— P/A.

7th July 1950.

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

Dear Sir,

Re: Your letter No. 13608 F/50-1 Education.

(B)

With reference to your letter cited above and a copy of the G.O. (Ms) No. 1567 dated 22-5-50 enclosed with the same, we have to advise you that so far we have recorded and released only 2 songs out of the 11 songs for which permission was granted to the Mahatma Gandhi Memorial Stupa Fund Committee for recording by Sm. M. S. Subbulakshmi. These two were released on our record number N. 28150 during the month of February 1950. We have called for a statement of sale of this number for the half-year ended 30th June 1950 from our principals in Dum Dum which will be forwarded to you together with our payment for the amount due to the Government for the copyright.

'X'

We shall advise you as and when further records are made under this arrangement.

Yours faithfully,
THE GRAMOPHONE COMPANY LIMITED.
Manager.

c.c to The Secretary, Mahatma Gandhi Memorial
Stupa Fund Committee, 116-119, Dr.
Guruswamy Mudaliar Road, Kilpauk.

Gramaphone companies.

36/5

8

13

(8)

CODES:
A. B. C. 5TH & 6TH EDITIONS
LIEBERS, BENTLEYS
WESTERN UNION

TELEPHONE:
8335—MADRAS
TELEGRAMS & CABLES:
"JABBERMENT." MADRAS.

The Gramophone Company Ltd.

(INCORPORATED IN ENGLAND)
CATHEDRAL HOUSE
122, MOUNT ROAD
MADRAS—6.

POST BOX NO. 705
CATHEDRAL MADRAS.

IN YOUR REPLY PLEASE REFER TO,
P/AKS.

ASSISTANT SECRETARY
30 AUG 1950
25910
EDUCATION DEPARTMENT

29th August 1950.

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

Dear Sir,

Sub:- Copyright royalty payable to Government - gramophone recording of Bharathi's songs.

Wp 11-12 ante

p 15 infra

With reference to your letter Ref: No. 13608-F/50-2 Education, dated 25th August 1950, we have pleasure in sending you herewith a statement of the copyright royalty due to the Government for the half-year ended 30th June 1950 showing an amount of Rs 170/-. The payment relating to this is being made by our principals in Dum Dum to the Reserve Bank of India, Madras, to the credit of "Educational & Public Health Department, Government of Madras". We trust you will find this matter in order.

Yours faithfully,
THE GRAMOPHONE COMPANY LIMITED,

Manager.

AKS.
Enc.

14

The Gramophone Company Ltd.

26th August 1950.

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

Dear Sir,

[illegible]

With reference to your letter No. 12008-F/50-2 Education, dated 25th August 1950, we have pleasure in sending you herewith a statement of the copyright royalty due to the Government for the half-year ended 30th June 1950 showing an amount of Rs.170/-. The payment relating to this is being made by our principals in Dum Dum to the Reserve Bank of India, Madras, to the credit of Education Public Health Department, Government of Madras and trust you will find this matter in order.

Yours faithfully,
[illegible]

16

T

(a)

STATE

FOR

RE

N
N

N
N

1

1. RATE OF ROYALTY

Rate Code	Rate
008	7½%
011	6¼%
013	5%
017	3¾%
022	2½%
033	1⅞%
037	1¼%

2. 'CR' in 'Net Sales' column indicates particular record during the half year

3. 'CB' in 'Net Sales' column indicates rate group.

N.B. * For explai

hat instead of net sales there have been net returns of the

total net returns instead of net sales of the particular royalty

---

Edu (F)

(10)

11

13608/F/50

28.8.50

8
28/8

Let. Ref. No. 13608 F/50-2 Edu. d. 25/8/50

To The Manager, The Gramophone Co. Ltd.,
122. Mount Road, Madras (6)

Sir,

Copyright - Bharathi's Songs - recording of - royalty payable to Govt

Refce. ~~Let. Ref.~~ The Deptl. letter No. 13608/F/50-1 Edu d 3.7.50 &
Your letter No. P/A d 7.7.50.

p.7 cf
p.9 cf

I am to invite a reference to the letters cited above and to ~~request~~ enquire ~~you to send your~~ when the statement regarding the amount of royalty payable to Govt.

P.T.O.

2: 12

~~will be sent?~~

~~for the half year ending with 30.6.50.~~

may be expected by the [illegible].

G.F.

24.8.50.

Ch
22/8/50.

P.M.
23/8/50

---

9 (11) 3

No.T.9 Sc.I.1088. Office of the Accountant General, Madras-9, Dated 14-8-50.

ASSISTANT SECRETARY
14 AUG 1950
23894
EDUCATION DEPARTMENT

From
The Accountant General,
Madras.

To
The Secretary to the Government of Madras,
Education Department.

Sub: Copyright--Bharathi's songs - Gramaphone recording of - Royalty collections. p.1-2 ante

Ref: Memo No.14851/F/50-1 Education dated 23-6-50.

--

The matter referred to in the Government memo under reference is under consideration. 'A' A final reply will be sent to Government in a fortnight.

T. Ramas[illegible]
Assistant Accounts Officer.

4/8

VVS

Edu(F)

'A' above may be awaited till 1.9.50.

16.8.50

Ch
14/8/50.

P.M.
14/8/50

4

12

No.T 9 SC I-1107.

Office of the Accountant General,
Madras Dated 24 August, 1950.

25230
2 5AUG 1950
EDUCATION DEPARTMENT

From

The Accountant General,
Madras.

To

The Secretary to
the Government of Madras,
Education Department,
Madras.

Sir,

Sub: Copyright--Bharathi's Songs--Gramaphone ~~recording of~~--
Royalty collections.

H.P.1-2 ante

With reference to Government Memo No.14851/F/50-1, Education, dated 23-6-50, on the subject noted above, I am to state that there is no audit objection to the adoption of the accounting procedure suggested in para 1 thereof in respect of royalties collected and of payments made therefrom to the Mahatma Gandhi Memorial Stupa Fund.

H.P.1-2 ante

2. In para 2 of the Government Memo cited above, it has been suggested that the companies by whom royalties are payable to Government on the sale of the gramaphone records, may be required to submit half-yearly accounts of the royalties and also to make the payments every six months in the year. There is also no objection to the adoption of this procedure. In order, however, to ensure that the amount due to Government are correctly assessed and paid, it is suggested for consideration by Government whether the Companies may not also be required to submit a copy of the annual accounts of royalties as certified to by their auditors for verification with the half-yearly statement of accounts and the remittances made during the year.

X

3. The Companies may be required to remit the amounts due to Government half-yearly (January & July) into the Treasury or the Bank, as the case may be, and send to the Director of Public Instruction an advice of such remittance together with the half yearly statement of accounts Supp supporting the remittance. The Director of Public Instruction may be asked to watch the half yearly payment, verify the credit in the accounts or get it

verified by this office on receipt of the advice of remittance from the Companies. The copy of the annual accounts as certified to by the firms' auditors may also be scrutinised by the Director of Public Instruction with reference to the half-yearly statements already received and the remittances made with a view to setting right any possible discrepancies in the realisations.

4. The income derived by Government in this case is essentially of the nature of departmental revenue. It is suggested, therefore, that the responsibility of proper assessment and realisation of the revenue may be laid entirely on the Director of Public Instruction.

Yours faithfully,

Deputy Accountant General.

RP.

D/23.8.50

---

2 Edn(F)

(13)

16857/F/50.

Copyright. Bharathi's Songs. Gramophone recording royalty Collections. accounting procedure

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DP/18/9 Ro. S-Gef.

From the A.G. No. T.9 Sc.1 – 1107 d 24.8.50

2/18/9

Memo. No. 14851/F/50 – 3 Edn. d. 16/9/50

A Copy of the draft order ~~on the above subject~~ on the subject, proposed to be issued is forwarded to the A.G. for remarks, if any.

14.9.50

To Spl. Ch 20/9.
The A.G. (with Copy of the Draft order)
kept below.
~~R.D. 10/10/50~~
R.D. 2/11/50.

13.9.50

DP 13/9/50

7 (K) 17

CODES:
A. B. C. 5TH & 6TH EDITIONS
LIEBERS, BENTLEYS
WESTERN UNION

HIS MASTER'S VOICE

TELEPHONE:
8335—MADRAS
TELEGRAMS & CABLES:
"JABBERMENT," MADRAS.

The Gramophone Company Ltd.

(INCORPORATED IN ENGLAND)
CATHEDRAL HOUSE
122, MOUNT ROAD
MADRAS—6.

POST BOX NO. 705
CATHEDRAL MADRAS.

IN YOUR REPLY PLEASE REFER TO,
P/AKS.

Urgent

2nd September'50.

URGENT.

59/50

ASSISTANT SECRETARY
26612
4 SEP 1950
EDUCATION DEPARTMENT

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

Dear Sir,

Sub: copyright royalty payable to Government - gramophone recording of Bharathi's songs.

p Bank

With further reference to our letter P/AKS of the 29th August 1950 enclosing therewith a statement of our royalty account for the half-year ended 30th June 1950 showing an amount of Rs 170/- due by us, we shall be pleased if you will kindly let us know by return the code number(s) and Department of the account to be credited by the Reserve Bank of India so that we may remit the same to them to credit accordingly.

Thanking you for your reply by return,

Yours faithfully,
THE GRAMOPHONE COMPANY LIMITED,

Manager.

AKS.

30612

F

(15) 9

CODES:
A. B. C. 5TH & 6TH EDITIONS
LIEBERS, BENTLEYS
WESTERN UNION

HIS MASTER'S VOICE

TELEPHONE:
8335—MADRAS
TELEGRAMS & CABLES:
"JABBERMENT," MADRAS.

The Gramophone Company Ltd.

(INCORPORATED IN ENGLAND)
CATHEDRAL HOUSE
122, MOUNT ROAD
MADRAS—6.

POST BOX NO. 705
CATHEDRAL MADRAS.

IN YOUR REPLY PLEASE REFER TO,
P/AKS.

3rd October 1950.

ASSISTANT SECRETARY
4 OCT 1950
EDUCATION DEPARTMENT

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

Dear Sir,

Sub: Copyright royalty payable to Government - gramophone recording of Bharathi's songs.

We beg to refer you to our letter P/AKS of the 2nd ultimo requesting you to let us know the code number(s) and Department of the account to which we should credit the royalty payable on account of the above with the Reserve Bank of India, Madras. We might mention here that the sum of Rs 170/- due to the Government on account of the above for the half-year ended 30th June 1950 is kept in suspense with us pending receipt of the information called for by us.

We shall be pleased to receive your advice by return.

Yours faithfully,
THE GRAMOPHONE COMPANY LTD.,

A K Sesha[illegible]
Recording Department.

AKS.

already received and the remittances made with a view to setting right

10

The Gramophone Company Ltd.

3rd October 1950.

EDUCATION DEPARTMENT
4 OCT 1950

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

Dear Sir,

Sub: Copyright [illegible] Government - gramophone [illegible] of Bharathi's songs.

We beg to refer you to our letter [illegible] of the [illegible] [illegible] on account of the [illegible] with the Reserve Bank of India, Madras. We might mention here that the amount of [illegible] due to the Government on account of the [illegible] for the half-year ended 30th June 1950 is kept in suspense with us pending receipt of the information called for by us.

We shall be pleased to receive your advice by return.

Yours faithfully,
THE GRAMOPHONE COMPANY LTD.,

Recording Department.

11

(16)

Letter / Ref No. 14851/F/50-4 Edn 9/10/50 Edn. Dept (F)

To The Manager
The gramophone Company LTD.
122, Mount Road, Madras (6)

Sir,

Copyright - Bharathi's songs - recording of - Royalty collections - Accounting procedure.

Refce: Your letter d 3.10.50

I am to state that the matter is under ~~consp~~ consideration & that a copy of the orders to be issued ~~will be~~ will be sent ~~as~~ ~~determined~~ to you ~~in due course~~. fom.

Y. f.

Dy 6/10/50

7.10.50.

18/Dk 9 1X 9/10/50

dsd 10/10

p9 cf

① pending with V. A. S.
(Vide Memo on p7 cf)

The A. G. Shd now be reminded 7.10.50

(17)

No.T9.Sc.I.1238. 7

Office of the Accountant General,
Madras dated 12 October 1950.

ASSISTANT SECRETARY
13 OCT 1950
31801
EDUCATION DEPARTMENT

Urgent

From
The Accountant General,
Madras.

To
The Secretary to theGovernment of Madras,
Education Department,
Madras.

Sub: Copyright Bharati's Songs - Gramaphone recording - Royalty collections - Accounting procedure.
Ref: Government memo No.14851 Edn dated 16-9-50.

p 7 ante

Sir,

There is no audit objection for adopting the procedure outlined in the draft order attached to the memo cited above.

Yours faithfully,

(N. Narayanaswami)
Deputy Accountant General.

GM

12/10

14851/F/50

(18)

Edn.Deptt.(F)

Copy right - Bharathi's songs -Reproduction of -Royalty collections - Accounting procedure -Orders passed.

H.5-6Cy

Ref: From the A.G. No.T.9.Sc.I 1107 d/24-8-50.

Order:Ms. 2946 Edn. d/ 2-11-50.

24
2/11.

The Govt. pass the following orders in regard to the procedure to be adopted for the realisation, from the gramophone companies and other concerns, of the royalties due from them ~~in connection with~~ for the reproduction and recording of ~~the Tamil~~ Poet Bharathi's songs the Copyright in which now vests in the Govt of Madras.

The Royalty collection will be credited to Govt. accounts under"XLVI - Miscellaneous -n. Miscellaneous -Royalty from ~~the~~ gramophone companies ~~from whom~~ and other concerns." a new detailed head being opened for the purpose. The gramophone Companies from whom royalties are due on the sale of gramophone records should remit the amount half-yearly (January & July) into the Treasury ~~or~~ & the Reserve Bank, as the case may be and send to the D.P.I. an advice of such remittances together with the half-yearly statement of accounts supporting the remittances. They should also submit a copy of the annual accounts of the Royalties as certified ~~to~~ by their auditors for verification with the half-yearly statement of accounts and remittances made during the year. The Director should watch the half-yearly ~~paym~~ payment, ~~verifyin~~ verify the credit in the accounts or get it verified by the office of the Accountant-General on receipt of the advice of remittance from the Companies. The copy of the annual accounts as certified to by the firms' auditors should also be scrutinised by the D.P.I. with reference ~~With reference~~ to the half-yearly statements received and the remittances made with a view to ~~setting right any possible~~ reconciling the discrepancies, ~~in the realisations~~ if any.

P.T.O

36

2. The Royalty due to Govt. from The Gramophone Co.Ltd., with reference to the orders in para 1 of G.O. 165 Edn. dated 20-1-50 should be credited to the head referred to above. The contribution proposed to be made by Govt. to the Mahathma Gandhi Memorial Stupa Fund from out of the royalty collections with reference to G.O. 1567 Edn.dated 22-5-50 will be debited to the head"57-Miscellaneous -f.-Contributions -Contribution to the Mahatma Gandhi Memorial Stupa Fund".

p.37-9 (B) in the LF

Dy 7/9/50

8.9.50

6.11

To
The D.P.I.
The A.G. Mo Fin
The Manager.
The Gramaphone Co.Ltd.,
Cathedral House,
Mt.Road.Madras.

The Secy.Mahathma Gandhi
Memorial Stupa Fund
Committee,
116-119,Dr.Guruswamy
Mudaliar Road,
Kilpauk, Madras 10.

S/c. 2.

Fin B.G.
Fin B.E.I
Fin B.C.

17

(19)

F

ASSISTANT SECRETARY
38450
1 DEC 1950
EDUCATION DEPARTMENT

No.T3.Misc.II.548.

Office of the Accountant General,
Madras dated 30 November 1950.

From
The Accountant General,
Madras.

To
The Secretary to the Government of Madras,
Education Department,
Madras.

Sub: Copyright - Bharati's Songs - Gramaphone recordings - Royalty collections - Accounting procedure.

p150 (P) Ref: T9.Sc.I-1238 dated 12-10-1950.

It may please be informed when the orders regarding the accounting procedure to be adopted in respect of collection of royalties on Bharati's songs recorded by the Gramaphone Companies, can be expected in this office.

S.Subrahmanyam
Assistant Accountant General.

GM/28-11-50.

29/11

DM
2

(20) 18 Edu CF

38450 | F | 50

Copyright - Poet Bharathi's Songs - Gramophone recordings - Royalty Collections - Accounting procedure.

p1cf

30/5-12

From the A. G. No. T3 Misc. (11) 548 d 30/11/50.

p1cf

Memo. No. 38450/F/50-1 Edn. d. 5/12/50

p15-16/ (P)

With ref. to his letter Cited, the attention of the A. G. is invited to the orders ~~passed~~ issued in GO(Ms) 2946 Edn d 2/11/50 ~~regarding the~~ (Copy enclosed) regarding the accounting procedure to be adopted in respect of Collections of royalties on Bharathi's Songs recorded by the Gramophone Companies and other Concerns.

To
The A. G. (with Copy of GO at (P))
p15-16cf

8/12

11/12/50.
DM
1/12/50

4/12/50

(21)

The Gramophone Company Ltd.

(Incorporated in England)

Codes:
A. B. C. 5th and 6th Editions
Liebers, Bentleys,
Western Union.

Head Office and
Factory in India
33, JESSORE ROAD
DUM DUM

"HIS MASTER'S VOICE"

Telegrams :
JABBERMENT
Madras
Telephone :
8335 — Madras

CATHEDRAL HOUSE
122, MOUNT ROAD, MADRAS-6

Please address your
Reply to :—
POST BOX 705
CATHEDRAL MADRAS

ASSISTANT SECRETARY
EDUCATION DEPARTMENT
38001
28 NOV 1950

In your reply please refer to—
P/AKS.

27th Novr.1950.

Copy of the letter sent to this Dept [illegible] presumably for information. No further action need be taken on this. This may perhaps be filed with original of G.O. [illegible] accounting procedure to be followed [illegible] royalty [illegible]

The Director of Public Instruction,
Government of Madras,
Madras.

Dear Sir,

Rc. No. 1035 - JN/50 dated 16-11-50.

With reference to your above quoted letter, we have to advise you that we have paid into the Reserve Bank of India, Madras, on the 16th instant the first payment of copyright royalty amounting to Rs 170/- due for the half-year ended 30th June 1950 to the credit of Government account as per G.O. Ms. No. 2946 Edn. The next payment will be made to the Reserve Bank for credit of the same account by February 1951 for royalty accrued for the half-year ending 31st December 1950. We might mention here that all our royalty accounts are prepared for half-years ending June and December and amounts due thereof are paid accordingly.

(not put up)

With regard to your request to advise you the estimated amounts likely to be credited for the future, we regret very much that it is not possible for us to estimate this, as the accretion of royalty is dependent on (1) the recording and issuing of records of Bharathi songs by us from time to time and (2) the sales of such records and also the records already issued.

Under the circumstances, we trust you will appreciate our difficulty in not being able to comply with your request in this direction.

Assuring you of our best attention at all times,

Yours faithfully,
THE GRAMOPHONE COMPANY LTD.,
Manager.

AKS.

copy for information forwarded to:-
The Secretary,
Educational Department,
Govt. of Madras,
Fort St. George, Madras.

-7 20

Edu (F)

This is only a Copy of the letter addressed to the D.P.I., ~~this may~~ sent to this Dept. presumably for information. No separate action need be taken on this. This may perhaps be filed with original of G.O. No 2946 Edu d 2/11/50 regarding the accounting procedure to be followed in the matter of Collections ~~from~~ of royalty amounts from Companies.

7/11/50

not put up
(put up in another file)

Ch 1/12/50
DY 5/12/50

17.8.51

45

(22)

C.F. 32 ( )—70,10,385—30 2 50.

EDUCATION Department

From (Name) DIRECTOR OF PUBLIC
Designation ~~LIBRARIES~~ Instruction.
Station MADRAS.

ASSISTANT SECRETARY TO GOVERNMENT
8194-3
14 AUG 1954
HEALTH, EDUCATION & LOCAL ADMN. DEPT.

Received Registered
To
The Secretary to Government,
Health, Education and Local
Administration Department,
Madras.

Enclosures: Roc. No. 392 J1/53, dated 11--8--1954. 195

Sir,

Sub: COPYRIGHT - Bharathi's songs - Royalty statements of audited accounts.

-4/ pp15-16 CF

UNDER SECRETARY
5142
19 AUG 1954
CHIEF SECRETARIAT

I invite your attention to G.O.Ms.No.2946 Education dated 2-11-50. Government have ordered therein that Gramaphone companies from whom royalties are due on the sale of gramaphone records should remit the royalty amount half yearly and ~~opened~~ send to the Director an advice of such remittances, together with the half yearly statement of accounts supporting the remittances. They have also ordered that a copy of the annual accounts of the Royalties as certified by their auditors ~~the and now~~ should be submitted to me for verification with the half yearly statements of accounts and remittances made during the year.

2. The Gramaphone Co., Ltd., 122, Mount Road, Madras.6. submitted a statement of sales of all records of Bharathi's songs for the period ended 30-6-53. The audited accounts by the company's auditors was not enclosed with the statement of accounts furnished by the Co. The Company was therefore addressed to submit their account certified by their auditor.

3. I enclose herewith copies of two letters received from the Company on the subject viz. T/SGD dated 12-7-54 and 7-8-54 and request orders on the subject.

Yours faithfully,

for DIRECTOR OF PUBLIC ~~LIBRARIES~~ Instruction.

Mani.12.8.

COPY of letter No. T/SGD dated 12th July, 1954 from the Gramaphone Company, Ltd., Madras to the Director of Public Instruction, Madras.

Royalty Statement - January/June 1953.

With reference to your letter Roc. No. 392-N-J/53 dated 16th June 1954 to our Madras Office, we enclose herewith a fresh royalty statement for the half year January/June, 1953 explaining the codes used in our original statement.

As for submitting you your royalty statement certified by our Auditors, we have to advise you that the preparation of royalty statements forms part of our routine commercial account and involves as many as 1500 film companies, artistes and copy owners, and it is not our practice to get the royalty statements certified by our Auditors. We are, therefore, afraid that we canno comply with your request to submit you a certified royalty statement.

--True copy--

COPY of letter No. W/A dated 7th August, 1954 from the Gramaphone Company, Madras to the Director of Public Instruction, Madras.

PTO

2

--2--

Sub: Copyright - Bharathi's songs - Royalty Statements submission of audited accounts.

8-4PP15

With reference to your letter No. Roc. No. 392 J1/53 dated 27-7-54 we regret very much that we did not realise at the time we received the G.O.Ms.No.2496 dated 2.11.1950 that statements certied by the auditor will be insisted upon, as our usual practice of sending statements prepared by our Royalty Department is accepted by all. Every half year our principals have to prepare more then 1500 Royalty Statements and it will be impracticable to have them certified by the auditors. We, therefore, request you to accept our statements, which if you desire, may be certified by ~~our~~ accountant who carried out the internal audit. Thanking you in anticipation of favourable orders.

Certified

--True copy--

2/2

N.Manickam

for Director of public ~~Libraries~~ Instruction.

13/8/54

Mani.12.8.

H. E. L. A&E5J

Public o.o.

9
17/8/54

17.8.54

17.8.54

17/8

H. E. L. A.&O.NO.
8194 3 E5/54
18.8.54.

23

Public(General B)Department

Special

20.8.54

Memo No. 5142/Re-1 (23) Dated: 30.8.54

Sub: Copyright - Bharathi's songs - Royalty statement submitted by Gramophone Company.

Ref: Letter from the Director of Public Instruction Roc.No.392 JI/53, dated 11.8.1954.

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p1CF

It is seen from the letter cited that the D.P.I. has asked for the orders of Govt. on whether the ~~company's~~ accounts submitted by ~~them~~ the Gramaphone co with the statement of sales of all records of Bharathi's songs for the period ended 30.6.1953, may be accepted without the royalty statement being verified by an Auditor. The permission for the Gramophone Company to use Bharathi's songs was accorded in G.O.No.165, Education, dated 20.1.1950. It is not clear from the D.P.I's letter what procedure ~~had been~~ was followed, each half year, since ~~then~~ 30-6-50 till 30.6.1953. The D.P.I. is requested to elucidate the following points:-

L
p16CF ?

(i) whether any half yearly remittances together with the half yearly statement of account and royalties was made by the Gramophone Company; during the above period.

(ii) whether any annual statement on royalties as ~~has~~ certified by auditors was received from the Company so far; during this period ~~and~~ &

(iii) & if not whether the statement stated to have been submitted for the period ended 30.6.1953 (please see para 2 of the letter cited) is the first statement furnished by the Gramophone Company and if so, whether the D.P.I. took any action to remind the Company for half yearly remittances of accounts and annual Audit reports since the grant of permission to the Company in 1950.

p.t.o.

2.

The D.P.I. is requested to clarify the above points immediately.

28.8.54

30.8.54

To the Director of
Public Instruction,
Madras.

CENTRAL DESPATCH BRANCH
3/9/8
Date ______ 195 Despatcher's Initials.

Note: It is seen from the D.P.I's letter that the difficulty complained by him cropped up only in respect of the period 30.6.1953. Under the G.O., the D.P.I should have received half yearly statements from ~~xx~~ 1950 onwards and it is not known why the matter has been neglected so long. After the issue of the Memo the legal implications of the Company refusing ~~the~~ to submit annual audited accounts of royalties will be examined and a formal note put up.

28.8.54

30.8.54

17.8.54

Education Department.

From
The Director of Public Instruction,
Madras.

To
The Secretary to Government,
Public (General B) Department,
Fort St. George, Madras.

UNDER SECRETARY
5142
24 SEP 1954
5833
PUBLIC DEPARTMENT

Roc.No.392 NJ/53 Dated 17.9.1954.

Sir,

Sub: Copyright - Bharathis Songs - Royalty statements from the Gramaphone Company - Defects - orders requested -

Ref: Government Memo. No.5142/54-1 Public (General B) Department, Madras. dated 30.8.1954.

p.f. 3-4 above

With reference to the Government Memo. quoted above, I have to state that, in my letter Roc.No.392 N/53 dated 1.9.53, addressed to the Government Edn Education Department, I represented the several defects in the proceedure in the rendering of the royalty accounts by the Gramaphone Company, Madras. In their letter No.44527-F/53-1 Education dated 20.10.53, Government in the Education Department have ordered that the company should rectify these defects and ~~that the company should~~ submit statement of audited accounts every year regarding the number of records sold.

p. 1 of letter No.44527-F/53-1, Edn, d/20-10-53 (V)

p 5 of (V)

Statements of royalty accounts were received from the Gramophone Company as follows:-

1. Statement dated 18.8.53. for the several half years from June 1950 to December 1952. Rs.187-15-0

The company [illegible] stated the amounts were deposited to Government by cheques and hence chalans were not enclosed.

2. Statement dated 28.9.53 and chalan dated 26.10.53. Half year ending June 1953 Rs.118-14-0 chalan was also enclosed.

3. Statement dated 26.3.54 and chalan dated 12.6.54, half year ending December 1953 Rs.62.7.0 chalan was also enclosed.

I invite the kind attention of Government to my letter Rc.No.392 J1/53 dated 11.8.54, stating the procedure to be adopted by Gramophone comapanies for the rendering of accounts, chalans and annual accounts of royalties certified by the auditors as laid down in G.O.Ms.No.2946 Education dated 2.11.50. The Manager, Gramophone company did not furnish the certified annual accounts. When addressed he has stated that it will be impracticable to have them certified by their auditors. As this amounted to ~~the~~ a violation of the conditions of the contract, I had to address Government for further orders.

p 1 above

p.p 15-16 of (L)

24

26

I enclose herewith aopies of the following references for favour of information.

p 7 below (i) Letter P/A dated 18.8.53 from the Manager, Gramophone Comapny.

p 8 below (ii) My letter Roc.No.392 NJ/53 dated 1.9.53 addressed to the Secretary to Government, Education Department.

p 8 below (iii) Government letter No.44527 F/53-1 Education, dated 20.10.53. to Messrs. the Gramaphone Coy. Ltd.

Yours faithfully,

UMManickam

for Director of Public Instruction.

Copy submitted to the Secretary to Government,
Health, Education and Local Administration Department.
Fort St. George, Madras.

bg.20.9.

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(25) 27

(1) Copy of the letter P/A dated 18th August 1953, from the Manager, Gramophone Company, Limited,

-:oo:-

Sub: Copyright - Bharathi Songs reproduction of Royalty collections - ...

With reference to your letter Roc.No.393 N/53 dated 4.5.53 addressed to the Secretary, Mahathma Gandhi Memorial Stupa Fund Committee, Kilpauk, Madras 10, which has been forwarded to us for furnishing the information called for, we have pleasure in providing the following:-

1. The record No.N.28150 containing the two songs "Mannum Imaya Malai" and "Oli Padaitha Kanninai" was released to the market for sale from February 1950.

2. The number of this record sold during each half-year from the date of release to thehalf year ended 31.12.1952

Half year ended 30th June 1950 ..	2720
,, 31..12..1950	58
,, 30.. 6..1951	52
.. 31..12..1951	48
.. 30.. 6..1952	86
.. 30..12..1952	43
.. 30.. 6..1953	under preparation.

3. The copyright royalty accrued on the sale as above has been paid into the Reserve Bank to the Credit of :-

"XLVI - Miscellaneous - n- Miscellaneous - Royalty from Gramophone Companies and other concerns.".

No separate account was maintained for this particular record but the amounts due on the sale of this record was separately advised to the Secretary of the Government of Madras, Education Department, when submitting statements of royalty accounts, Ref;as noted hereunder:-

Copyright Royalty on N128150.

REF: Our letter P/AKS dated 27.11.51:- Half-year ended 30th June 1950.	Rs.170-0
-do- 31st Decr.1950.	3.10
Ref: Our letter p/AKS dated 6.11.51:- Half-year ended 30th June 1951.	3.14
Ref: Our letter P/AKS dated 27.3.1952. Half-year ended 31st Decr.1951.	3.0
Ref: Our letter P/AKS dated 18th October 1952: Half year ended 30th June 1952.	5.6
Statement for the Half year ended 31.12.1952 attached herewith. ..	2.11.

We regret having deposited cheques which themselves are receipted, we have not collected any chalans from the Reserve Bank and are therefore unable to furnish the same for your perusal.

- True copy -

p.t.o.

(2) Copy of the letter Roc.No.392 N/53 dated 1.9.53 from the Director of Public Instruction, Madras, to the Secretary to Govt. Edn. Dept.

...

Sub: Copyright - Bharathis songs - Royalty collections.

...

I have the honour to enclose herewith a copy of letter No.P/A dated 18.8.53 from Messrs. The Gramophone Co., limited, Cathedral House, 122 Mount Road, Madras and to state as follows:-

1. The record No.N.28150 containing the 2 songs "Mannum Imaya Malai" and 'Oli Padaitha Kanni~~a~~nai' bear serail Nos. 3 and 4 in the list of 7 songs which was permitted for recording in Government Memo.no.95765/G2/49-1 Education, dated 8.12.49.

2. The account for the records should for the period from 1950-to 1952 has been perused. G.O.Ms.No.165 Education, dated 20.1.50 prescribes the rate of royalty for these records at one anna per record. The amount credited for the number of records sold during the several half years as stated in this letter is in order with reference to the rate. But the company state that they are not ab~~o~~le to produce to us any evidence of having remitted these amounts by enclosing vou~~r~~chers or chalan receipts. The amounts are said to have been remitted by cheques and the fact reported to Government.

3. The procedure followed by the Gramophone company is not in order since it gives room to the following defects.

(i) It is not known whether the number of records stated as sold during each half year has been accounted by the com~~a~~panys' auditors.

(ii) the dates of remittances of the several amounts are not mentioned.

(iii) By remittance by cheques it is not possible to maintain departmental adjustment of accounts.

4. In view of the defects stated above, I request that instructions may be issued to the com~~a~~pany to submit ReserveBank chalans in future to this office together with a letter and statement of audited accounts every half year regarding the number of recrods sold, submitting a copy of their letter to Goverment at the same time.

- True copy -

(3) Copy of the letter No.44527 F/53-1 Education from the Secretary to Government, Education Department, dated 20th October 1953, to Messrs. The Gramophone Co. Ltd.

Sub: Copyright - Bharathi's songs - Royalty collections.

..

I am directed to invite a reference to your letter No.P/A dated 18.8.53 addressed to the Director of Public Instruction Madras and to state that the procedure followed by you in the payment of royalty for the record No.N.28150 containing the two songs "Mannum Imaya Malai" and 'Oli Paditha Kanninai' is not in order and gives rise to various defects. I am therefore to request you to submit in future to the Director of Public Instruction Madras, Reserve Bank Chalans for the amount credited to this account, together with a letter and statement of audited accounts every half year regarding the number of records sold. A copy of the letter may also be sent to the Government for information.

- True copy -

MManickam

for Director of Public Instruction

Public (General-B) Deptt.

Special

MEMORANDUM No. 5142/546 Dated 29.1.55

Sub: COPYRIGHT - Bharathi's works - Reproduction in books and films and recording on gramaphone - Royalty collections - Accounting procedure - Revision.

Ref: Letters from the Director of Public Instruction, No.392-J1/53, dated 11th August 1954 and No.392-NJ/53, dated 17th September 1954.

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p 1 cf

p 5 cf

p 1 cf

In view of the failure of the Gramaphone Company Limited to produce annual accounts of the royalties as certified to by ~~by~~ the Company's auditors for verification with the half-yearly statement of accounts and remittances made during the year as prescribed in G.O.Ms.No.2946, Education, dated 2nd November 1950, the question whether legal action can be taken against the Company for infringement of copyright was examined. The Government have been advised that, as no contract in the legal sense of the term was entered into with the firm, no successful legal action can be taken against the Company. They are further advised that if the amount of royalty actually

pp. 15-16 cf. of (L)

Notes at pp 1-4 n.f

Note of Law at pp 3-4 n.f

credited

4 to 30

credited in the treasury is found to be incorrect, it is open to the Government to proceed against the Company by way of a suit and ~~and~~ in such suit, to require the Company to produce the connected accounts in Court. As there is no source of information with the Government or the Director of Public Instruction regarding the amount due to be credited as royalty, independent of the statements furnished by the Company, it is considered that no suit as advised can be instituted.

Note of Law on pp 3-4 n.f.

para 1 of Public (Genl B) on p 4 n.f.

2. In order to ~~xxx set~~ set right the existing unsatisfactory position in regard to the collection of royalty, it is proposed to prescribe the execution of an ~~enter to~~ into agreement ~~with~~ by persons requiring permission to reproduce Bharathi's works in books, films or gramaphone records. The agreement will be executed on a stamped paper (non-judicial) of the value of Re.1--8--0 with reference to Article 4(c) of Schedule I-A of the Stamp Act. Under section 18 of the Indian Registration Act, 1908, registration of the

para 2 on p 4 n.f.

Note of Revenue on p 7 n.f.

agreement

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(22) 3)

agreement is only optional and not compulsory.

The following will be the terms of agreement:-

1) that in the case of books and publications, the amount of royalty will be paid by them in advance of the printing of the publication;

2) that, in the case of mechanical reproductions like gramaphone, they should
   (a) be prepared to pay the royalty of 2½% of the sale price of the gramaphone record, and
   (b) furnish advices of the remittances together with the half-yearly statement of accounts supporting the remittances and produce a certificate from a registered auditor - other than the Company's auditor - about the number of records sold and the amount of royalty credited to Government under clause (a); and

(3) in the case of films, the amount of royalty should be paid in advance at the time of the agreement.

p 5 n.f.

3. The Director of Public Instruction is requested to examine the above proposal and to say whether this is sufficient or whether any further conditions such as payment of royalty in advance in respect of mechanical reproductions should be imposed in order to secure the correct remittances, of royalty due to Govt.

4. The Director of Public Instruction is informed that he will have to ~~EXEE~~ execute the agreement proposed in paragraph 2 above on behalf of the Government. He is requested to prepare draft forms of agreement for approval of the Government. Powers to enter into agreements will be delegated to him in due course.

24-1-55

24.1.55

28.1.55

29.1.55

CENTRAL DESPATCH BRANCH
Van. ✓
Despatched by Post.
Regd. Post.
Messenger.
Date 27/1/55
Despatcher's Initials.

To
D.P.I. reminded on 16.3.55

The Director of Public
Instruction, Madras.

RD 5-5-55

Special [illegible]

38 33 13

Public (General B) Dept

Memo. No 5142/54-7 d 4.4.55

Copyright - Bharathi's works Reproduction in books and films and recording on gramaphone - Royalty collections - Accounting procedure - Revision.

Ref: Govt. office Memo. No. 5142/54-6, Public (Genl B), d 29-1-55.

The attention of the D.P.I. is invited to the memo cited on which a reminder was issued on 16-3-55 and he is requested to expedite his reply to it. He is requested to acknowledge receipt of this memo.

4.4.55.

4.4.55

4.4.55

To the D.P.I.,
Madras.

CENTRAL DESPATCH BRANCH
Van.
Despatched by Post.
Regd. Post.
Messenger.
Date 4/4/55
Despatcher's Initials.

Note:- M(F&E) is inclined to waive levy of Royalties for poems but pending issue of orders the draft above may issue

4.4.55

4.4.55

R 5142

~~29~~ 35

DEPUTY SECRETARY TO GOVERNMENT
4
10 APR 1955
2293
CHIEF SECRETARIAT

Education Department.

From
The Director of Public Instruction,
Madras.

To
The Chief Secretary to Government,
Public (General-B) Department,
Fort St. George, madras.

Roc.No.392 J1/53 Dated 6.4.55.

Sir,

Sub: Copyright - Bharathis works - Reproduction in books and films and recording on Gramophone. - Royalty collections - Accounting procedure - Revision.-

Ref :Government Memo.No.5142/54-7 Public (Genral B) dated 4..4..1955.

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f/p 13 above

The receipt of the Government Memo. quoted above is acknowledged.

f/p 9-12 above

In their Memo. No.5142/54-6 Public (General B) dated 29.1.55, Government have proposed to prescribe the execution of an agreement by persons requiring permission to reproduce Bharathis works in books, films or on gramophone records and requested me to examine the proposal and to offer remarks.

see f 17 below

But from the announcement of the Education Minister made in the course of his reply to the debate on the Education demand in the Assembly, it is seen that Government have decided to release to the public their entire right over Poet Bharathi's works and that orders releasing the entire right would be issued shortly. In the circumstances, I request instructions of Government whether it is necessary for me to offer any remarks on the proposal contained in the Government Memo referred to above.

Yours faithfully,

N.Manickam

for Director of Public Instruction.

bg.6.4.

RS
6.4.55

D
6/4

(30)

37

15th March 1955

THE INDIAN EXPRESS, TU

Bharathi's Works

GOVT. RELEASE RIGHTS

MADRAS, Mar. 14.

Government have decided to release to the public their entire right over Poet Subramania Bharathi's works.

This was announced by Mr. C. Subramaniam, Education Minister, in the course of his reply to the debate on the Education demand in the Assembly today.

There would be no restriction in the use of Bharathi's works excepting the one that those using them should stick to the authorised version he said.

The Minister said the Government order releasing the entire right would be issued shortly.

Mr. Subramaniam said there were complaints that even after the Government had acquired the rights over Bharathi's works, they were not available to the public freely. He recalled that until the Government acquired those rights, the works remained as private property and nobody could utilise them for any purpose without permission from the owners. Therefore, in order to make it public property, Government purchased the rights. It was the intention of Government to publish authoritative versions of the works of Bharathi and then release them to the public. Inspite of the best efforts of the Committee appointed for this purpose, it had been possible only to publish Bharathi's poems. As for the prose works of Bharathi, they had not been touched."

The Minister hoped that with the release of their rights by Government, the public of Tamil Nad would make full use of Bharathi's works and that it would pervade the entire Tamil Nad so that their children would be infused with the spirit of Bharathi and would try to live upto his ideals.

[illegible] informed that no action
need be taken on the [illegible]
[illegible]

Pl issue with G.O. Ms No 29[illegible]
21-4-55

2-11-50

(31)

Public (Genl B) Dept

Memo. No 5142/~~54~~-8 Dt 21-4-55

Copyright - Bharathi's works - Reproduction in books and films and recording on gramaphone - Royalty collections - Accounting procedure - Revision not necessary.

Ref. Letter from the D.P.I. No. 392 J1/53 Dt 6-4-55.

f 15 cf

Copy at (Y)

The DPI is informed that in ~~In~~ view of the orders issued in G.O. Ms. No. 1299, Public (General B), dated 18-4-55, there is no necessity to revise the accounting procedure in regard to royalty collections in respect of Bharathi's works. ~~The D.P.I. is informed~~ and that no action need be taken on Memo. No. 5142/54-6. Public (Genl B), dated 29-1-55.

21-4-55

21-4-55

CENTRAL DESPATCH BRANCH
Despatched by Van. Post. Regd. Post. Messenger.
Date 22/4/55 195
Despatcher's Initials.

To the ~~Director~~ Director of Public Instruction
Madras 6.

-(G.O.Ms 1567 Edn d 22-5-50

14851.F

(32)

Extract from ~~the~~ the Note File bearing C.No. 8468/F/50 relating to Copyright - Bharathi's songs - Gramophone recording - Permission accorded to Srimathi M.S. Subbulakshmi by the Gramophone Co., Ltd. - Orders passed.

—

"This is a special case and the fear of this becoming a precedent etc. 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."

B.G.R.
9.3.50

K. M(adhava Menon),
1-3-50

xx xx xx

In view of the orders in the above minutes, it will be necessar 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 Compan 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 see to be necessary to require the companies concerned normally to submit half yearly accounts of the royalties and also to make the payments e 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 b opened.

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

N.V.S. 17-3-50 V.R. 18-3-50 R.D.P. 18-3-50

xx xx xx

Finance (Accounts).

xx xx xx

3. Head of debit.- The entire royalty may first be ordered to b credited to Govt. accounts under "XLVI.Miscellaneous - Miscellaneous" under a new detailed head "Royalty from the Gramaphone Company Ltd." 75% of the collections realised for the first one year may be sanction 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 suggestion

xxx
19-4-50

xx xx xx
xx xx EDN.DEPT.(F)

With regard to the Head of Debit, extracts will be taken for separate action in consultation with the Accountant-General. xxxxxx

N.V.S. 13-5-50 R.D.P. 13-5-50

/True extracts/

[Issued as G.O.Ms 1567 Edn d 22-5-50]

(B) in the L.F

P.T.O.

2

Please see the extract (Edn Deptt F) of notes on plants. Draft Memo to the A.G. submitted below is for approval.

13/6/50

22/6/50.

(Issued as Memo. 14851/F/50-1 Edn d 28.6.50)

From the A.G. No T.G. Sc. I-1107 d 24.8.50. pp 5-6 cf

X

Please see the Memo on pp 1-2 cf and the A.G's reply thereto on pp 5-6 cf. He states that there is no audit objection to the adoption of the accounting procedure suggested in para 1 of the Memo in respect of royalties collected and payments made to the Mahatma Gandhi Memorial Stupa Fund.

p 5 cf

p 1 cf

As regards the royalties payable by gramaphone companies on the sale of records, the A.G suggests that the companies may be asked to submit a copy of the annual accounts of royalties certified by their auditors for verification along with the half yearly statements of accounts & remittances made during the year. ~~He has~~ This suggestion may be accepted.

The Credit head should be amplified so as to refer not only to the Gramophone Co. but to Gramaphone Companies, Cinema Concerns generally —
5.9.50.

The A.G. has also suggested that the responsibility of proper assessment and realisation of the revenue may be laid entirely on the D.P.I. It seems necessary to obtain the remarks of the Director on the suggestion of the A.G

para 3 & 4 on p 5 cf

A.

C14851/F/50

33 Accts

(3)

A in the first instance. Draft letter on p 6 cf is for approval. ~~Finance to~~

Finance may see the A.G's letter.

DY
2/9/50

A above — No consultation is necessary — The AG's statement that this is a departmental revenue is correct — the D.P.I being the head of the Dept., — in fact he is even now being consulted on all matters connected with this royalty & permission for the reproduction of Bharathi's songs by private individuals etc — he is not likely to demur to the suggestion — We may now issue orders accepting the suggestions of the A.G. Please put up a draft urgently — The suggestion on the margin on the previous page may be embodied.
5.9.50 —

SENIOR ASSISTANT SECRETARY. FINANCE DEPARTMENT
9 SEP 1950
78418 Accts
GOVERNMENT OF MADRAS

A draft order is submitted for approval. Finance may see the draft order for remarks, if any —

DY
7/9/50

8.9.50

4.9.50

Edn. G.O. No 14851/F/50-2
9/9/50

Fin. Fin

Accts

Finance (Accts)

F.

Notes from 'X' on p 2 above may be read.
The draft order may be accepted subject to the amendments indicated in pencil.

11.9.50

Thro' BG
11.9.50

Edn. may be requested to send a copy of the draft order to ~~the A.G.~~ us. for remarks before issue

11.9.50

Edn
F.

memo pt.
Fin U.O. 13/9 84118 Acct 1
11-9-50

Please see Fin U.O. note above. The draft memo below to the A.G. is submitted for approval.

14.9.50

13.9.50

13/9/50 (issued as Memo. 14851/F/50-3 d 16.9.50) — p 7 of

(~~issued as Memo. 1485~~ Rd. from A.G. No. T9 SC.1.1238 d 12/10/50) p 15 cf

ASSISTANT SECRETARY
27785
13 SEP 1950
EDUCATION DEPARTMENT

Edn (F)

Please see the letter from the A.G. on p 13 cf. He has stated that there is no audit objection ~~for~~ to adopting the procedure outlined in the draft order proposed to be issued ~~relating~~ in regard to the accounting procedure for royalty collections due to Govt for the reproduction of Poet Bharathi's ~~songs~~ works in which the copyright now vests with the Govt.

The draft order below may now issue after perusal by Fin
~~For orders~~

17.10.50

16.10.50
16/10/50

ASSISTANT SECRETARY
30 OCT 1950
EDUCATION DEPARTMENT

ADDITIONAL DEPUTY SECRETARY
24 OCT 1950
88467 Accts
FINANCE DEPARTMENT

Finance
Fin (Accts)

Fin no 88467 Accts-1
28-10-50

Edn U.O. No 14851/F/50-5
24/10/50

The draft order below may be perused.

23/10/50
26.10.50
~~AS~~ / ~~ADS~~
Edn
Thro' BS
25/10/50

Edn (F)

33821

The draft order below may issue ~~after approval~~

30.10.50
1.11

31/10

(~~issued~~ as G.O. 2946 Edn d 2/11/50)

Edu

(35)

13608/F/50

Copyright- Bharathi's Songs- Gramophone recording of- royalty Collections.

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pp1-6 cf

From the Manager, The Gramophone Co. Ltd., Madras
Ref. P/A d 29.5.50, and P/Atts d 31.5.50.

The letters from the Manager, Gramophone Co. Ltd. Madras on pp1-6 c.f., m
be perused.

With ref. to his request at 'X' on p
it is Submitted that orders regarding th
question of payment of royalty to Govt. at the rate of one anna per record sold by the Gramophone Company Ltd. have Sinc
issued in G.O. 1567 Edn d 22.5.50. A Copy of
orders was also Sent to the Company.

Copy at (B)

despatched on 27/5/50

The Gramophone Co. have also Stated in their letter on pp5-6 c.f. that they will Submit half yearly Statement of royalty accounts. The first half-yearly Statement of accounts for January-June may perhaps be awaited till 30/6/5

9.6.50

8/6/50

7/6/50

What about the opening of a Credit head in the budget- Please put the file regarding the formation of the Board for considering publication of Bharathi's wor

9.6.50

This is urgent

9.6.50

The two files referred to are put u
below.

13/6/50

'A'/

Mc put up a suitable reply

14.6.50

10/6/50

P.

With ref. to orders at 'A' ~~at the~~ on p l ante, the draft letter to the Manager, The Gramophone Co. LTD is Submitted for approval. (The question as to how royalty should be collected is separately under consideration). Pl. revise draft as instructed

— Reference to the A.G. is under issue.

25.6.50.

26.6.50.

Dy 26/6/50

The revised draft letter below to the Manager, The Gramophone Co. Ltd is Submitted for approval.

3.7.50

30/6/50.

Dy 30/6/50

(Issued on Let. Ref. 13608/F/50-1 Edu d 3/7/50)

(C. No. 19180/50. From the Manager. Let. P/A d 7.7.50)

Edu (F)

Please See the ~~le~~ reply received from the Manager, The Gramophone Co. Ltd on p9 c.f. Their further report promised at X on p9 c.f. may be awaited till 5/8/50.

18.7.50.

14/7/50.

Dy 14/7/50

From the Manager, Gramophone Company LTD. d 29. 8.1950 – p13 c.f.

With reference to para 3 of G.O. No. 1567 Edn d 22/5/50, the Manager, Gramophone Company LTD has forwarded a statement of the royalties due to Govt. for the half-year ending 30/6/50. ✓ p15 c.f.

(B)

He also states that the amount of royalty due viz Rs 170/ is being credited to "Educational & Public Health Dept". p13 c.f.

Attention is in this connection invited to the A.G's. letter on pp 5-6 c.f. in the top file.

---

(38)

A It is for consideration whether in view of the A.G's letter referred to; the Manager of the Company may be asked to credit the royalty to Govt. account under 'XLVI - Miscellaneous - Miscellaneous - Royalty from the Gramaphone Company LTD'. and to submit a copy of the accounts of royalty as certified by their auditors.

Finance may see for remarks.

Dy 2/9/50

Please put up with a Draft order as suggested in the top file.

5.9.50.

x(C. No. 14857/F/50) In view of the orders proposed to be x issued in the top file, no separate action seems called for on this.

Dy 7/9/50

8.9.50.

9.9.50

To be ~~filed~~ added to the papers in the top file.

C.M. 5142/54

p 1 cf
pp 3-4 cf
pp 5-6 cf

G.O. 1394 Edn., d 25-6-52 (not put up)

pp 15-16 cf of Ⓛ

Public (General-B) Department.

Sub: COPYRIGHT - Bharathi's songs - Reproduction - Royalty collections - Statement of audited accounts - Submission - Irregularity.

Ref: From the Director of Public Instruction, Madras, letter No. 392-J1/53, dated 11-8-1954. Issued as Memorandum No. 5142/54-1, dated 30th August 1954.
From the Director of Public Instruction, Madras, No. 392-NJ/53, dated 17th September 1954.

Permission is being granted to gramaphone companies for recording the songs of Bharathi on payment of a royalty to the Government at the rate of 2½percent of the sale price of each record on which Bharathi's song has been recorded. The accounting procedure has been laid down in G.O.Ms.No. ~~[illegible]~~ 2946, Education, dated ~~24th August 1950~~ 2nd November 1950. According to the orders in this G.O., the royalty amount will be credited to the Government accounts under "XLVI. Miscellaneous - Royalty from gramaphone companies and other concerns". The gramaphone companies and other ~~at~~ concerns from whom royalties are due should remit the amount half yearly (January to July) into the Treasury or the Reserve Bank of India, as the case may be and send to the Director of Public Instruction an advice of such remittance together with the half-yearly statement of accounts in support of the remittances. They should also submit a copy of the annual accounts of the royalties as certified by their auditors for verification with the half-yearly statement of accounts and remittances made during the year. The Director of Public Instruction should watch the half-yearly payment, verify the credit in the accounts or get it verified by the office of the Accountant-General, Madras on receipt of the advice of remittance from the companies. The copy of the annual accounts as certified by the Firms' auditors should also be scrutinised by the Director of Public Instruction with reference to the half-yearly statement received and remittances made with a view to reconciling the discrepancies, if any.

Permission

2. Permission has been granted to the Gramaphone Company Limited for recording several songs of Bharathi on the gramaphone. It is brought to notice that the company has not been following the accounting procedure laid down in G.O.Ms.No. 2946, Education, dated 2nd November 1950. In October 1950, at the instance of the Director of Public Instruction, Madras, instructions were issued to the Company in letter No.44527-F/53-1, Education, dated 20th October 1953 asking it to follow the procedure. In his letter on p.1.c.f., the Director of Public Instruction has stated that the Gramaphone Company Ltd. has submitted a statement of sales of all records of Bharathi's songs for the period ending 30th June 1953 and that the audited accounts by the Company's auditors have not been furnished. For the reasons stated at 'M' ~~mxf.~~ on p.1 c.f., the Company has expressed its inability to furnish the accounts as certified by its auditors.

in G.O. 3121, Edn / 11-10-49
G.O. 165, Edn / 20-1-50
G.O. 3363, Edn / 4-11-45
& G.O. 316 Pub / 4-3-54
} put up below

pp 15-16 cf. of (L)

p 5 of (V)

M on p 1 cf

3. In November 1950 when orders were issued in G.O.Ms. No.2946, Education, dated 2nd November 1950 and a copy of the G.O. was marked for the company, it raised no objection. It has therefore to be presumed that the Company has accepted the accounting procedure laid down in the G.O. If the Company fails to comply with the accounting procedure, there will be no proper facility for ~~scrutiny~~ checking whether the full ~~of~~ royalty amount (due has been) credited to the Government. If other Gramaphone Companies and other concerns also follow the example of the Gramaphone Company Ltd., proper accounts will not be rendered. It is therefore for consideration whether the ~~[illegible]~~ Company may be told that, if it is unable to adopt the accounting procedure as laid down in G.O.Ms.No.2946, Education, dated 2nd November 1950, ~~the~~ in future permission will not be given to the Company to record any further songs on the gramaphone and that in respect of permission already granted, legal action will be taken against the Company for infringement of copyright. No doubt the intention of the Government is to popularise Bharathi's songs, but on that account they should not ~~stand~~ be made to lose money levied from the

pp 15-16 cf. of (L)

A

pp 15-16 cf. of (L)

in G.O. 3121, Edn, dt 11-10-49
G.O. 165, Edn, dt 20-1-50
G.O. 3363 Edn, dt 4-11-50
and G.O. 316, Pub (Gl.B), dt 4-3-54
} put up below

the Gramphone Companies which sell the records for their profit.

4. Finance and Law may see for remarks before circulation.

4-10-54

BS 8.10.54

A

No contract in the legal sense of the term was entered into with the firm. Law may be requested to advise whether it is possible to prosecute the firm for non-compliance with the G.O. Finance may be consulted after that.

9.10.54

Pub.(Genl.B) Dt 5142/54-2 11.x.54

D.S. / Law.

11/x/54

ASSISTANT SECRETARY
11 OCT 1954
16307
LAW DEPARTMENT, MADRAS

(L)

Law Department

The accounting procedure to be followed in crediting the amount of royalty and submitting the auditor's certificate was prescribed in G.O.No.2946, Education, dated 2-11-50 and a copy of the G.O. was also communicated to the company. But the orders according permission for recording the songs did not themselves lay down the procedure; nor did they refer to the above G.O. In the circumstances, it is rather difficult to say that the company is bound to produce the auditor's certificate as laid down in the G.O. It may, however, be pointed out that if the amount of royalty actually credited in the treasury is found to be incorrect, it is open to the Government to proceed against the company by way of suit and in such suit, to require the company to produce the connected accounts in a Court.

B

It is not possible to prosecute the company for failure to send the auditor's certificate. The requirement was prescribed by an executive order and

8

non-compliance with such order, which has not the force of law, will not be an offence.

1.11.54.

B/1.11

Public (Genl-B) Deptt

Law U.O.No: 16307/54-1
1-11-54

UNDER SECRETARY
A 5142
2 NOV 1954
6529
PUBLIC DEPARTMENT

Please see the notes of Law on pp 3-4 above. In view of what Law state it is impossible to prosecute the company for non-compliance with the terms in G.O.No 2946 Edn dt 2-11-50. Nor does it seem possible to take any action as indicated at B overleaf as the Govt & the DPI do not have ~~independent~~ sources of information regarding amount due to be credited as royalty, independent of the stts furnished by the company.

2 It seems that this unsatisfactory position should be set right at least for the future. It seems that in future, all applicants for reproduction of Bharathi's songs or works in a book, film, or gramaphone should be asked to give a written undertaking to the

observance of the following terms:-

1) That in the case of books and pubns the amount of Royalty will be paid by them in advance of the printing of the publication

2) That in the case of mechanical reproductions like Gramaphone ~~or films~~ they should
(a) be prepared to pay the royalty of 2½% of the sale price of the gramaphone record &
(b) furnish half yearly a certificate from a Registered auditor other than the company's regular auditor – about the number of records sold & state ~~the~~ amount of Royalty credited to Govt under clause (a) &

(3) in the case of films the amount of Royalty should be paid in advance ~~of~~ at the time of the agreement

Clause (3) has been suggested, as recently a Bombay firm which was granted permission to record a song of Bharathi in a film went underground & no information is now available.

p. 10

on whether the Lorry was actually recorded or not

3. Finance & Law may kindly see again for remarks. Law may kindly advise whether any further conditions should be imposed to see that Govt are not cheated out of the Royalty due to them by unscrupulous companies & firms. They may also please indicate whether the agreement should be on stamp paper & if so ~~and whether~~ specify its value & advise whether it should be registered in a Sub Registrar's office as a document under the Indian Registration Act

R

K

12.11.54

12.11.54

12/11

D.S. | Fin | Law.

Public (Genl. B) Deptt
U.O. No. 5142/54-4
12.11.54.

Finance (E.B)

~~Law may see the case first. U.O. p/o~~
Finance may agree to the suggestions in para 2 of
the notes of Pub (Genl) on pp. 4-5 above.

23-11-54

24.11.54

Rev. may also see with reference to the points raised in Pub. note on this page.

26/11/54

Law
Rev

24.11.54

Fin. No: 113155-EB1
24.11.54

ADDITIONAL DEPUTY SECRETARY TO GOVERNMENT
113155
12 NOV 1954
FINANCE DEPARTMENT

ASSISTANT SECRETARY
27 NOV 1954
18581
LAW DEPARTMENT, MADRAS

R-D 15.12.54

27

C1 (40)

Law Dept

Revenue may kindly be requested to offer their remarks in the first instance on K on p. 6 ante. The file may thereafter be sent to this Dept. for remarks.

2.12.54.

Revenue

1.12.54

AS I
Rev

Law. U.O. No. 18581/54-1
2-12-54.

UNDER SECRETARY TO GOVERNMENT
4 DEC 1954
95505-C
REVENUE DEPARTMENT

Rev Dept

To AS. Please see the notes from page 1 ante.

2. With ref. to 'K' on p. 6 ante, it is submitted that it appears the ~~agreement~~ agreement should be executed on a stamped paper (non-judicial) of the value of Rs. 1.80 with ref. to Art. 4(c) of schedule I-A of the Stamp Act.

3 The agreement referred to at 'K' on p. 6 ante will fall under section 18(x) of the Indian Registration Act, 1908 and as such ~~their~~ its ~~register~~ registration is only optional and not compulsory.

(x) p. 8 of the Regn. Manual Part I

4 The file may be passed on to Law with ref. to their note above.

R
9.12.54

10.12.54

11.12.54

R
15.12.54

15.12.54

16.12.54

AS II / Law
17.12.54

Through Law
97304/54
w.r.t. Regn.

15/12 17/12/54.

AS II
Law

Rev U.O. 95505 C/54-1
17-12-54

ASSISTANT SECRETARY
21 DEC 1954
19794
LAW DEPARTMENT, MADRAS

Law Department

'R' on page 6 ante.- The terms and conditions suggested by Public(General) in paragraph 2 of their note at pages 4-6 ante would appear to be adequate. However, only the administrative departments can have a full and correct appreciation of the difficulties likely to arise.

'K' on page 6 ante.- The points raised herein have been correctly answered by Revenue in paragraphs 2 and 3 of their note at page 7 ante.

11.1.55

11.1

S.

Public (Genl)

Law U.O. No. 19794/54-1
11-1-55

ASSISTANT SECRETARY TO GOVERNMENT
Publ
12 JAN 1955
218
CHIEF SECRETARIAT

Public (General B) Dept

~~The~~ D.P.I. may be consulted on the proposal and he may also be asked to say whether any further condition should be imposed. He will have to enter into agreements with persons requiring permission to reproduce Bharathi's works in books, films and gramaphone records. He may therefore be asked to prepare and send drafts forms of agreement for approval by the Govt. Necessary powers may be delegated to him in regard to A above in due course. Draft memo. below is for approval.

A

2. It seems that the better way of ensuring credit of full amount of Royalty in respect of Royalty would be to insist as in the case of books payment of Royalty in advance each time such mechanical reproduction is made but this suggn may also be put to the D.P.I. The draft provides for this

24.1.55

24.1.55

A.S.

24.1.55

28.1.55

Issue fair
29.1.55

D.S.(E)

[Issued as memo No 5142/54-6 d 29-1-55]

---

(41)

file in circulation

A

With reference to the memo. at pages 9-12 c.f., please see the letter of the D.P.I. on p. 15 c.f. In view of the proposal of the Govt. to transfer the entire right of Bharathi's poetical works to the public in file no 1249/55 the collection of royalty is likely to be discontinued. The procedure proposed in para 2 on pp 10-11 c.f. may not be necessary. The decision on A above may be awaited. This may lie over till 25-4-55

15-4-55

15.4.55

15.4.55

Orders have since issued in G.O. Ms. No 1299, Public (General B), dated 18.4.55 releasing the entire rights of the use of the poetical works of Bharathi vested in the Govt. under the Copyright Act to the public. There is therefore no necessity for the elaborate procedure suggested in the memo. at pp 9-12 c.f. for the collection of royalty. A draft memo. to the D.P.I. is submitted for approval. After issue, the papers may be filed with G.O. 2946, Edn. d 2-11-50.

Copy at (Y)

(L)

21-4-55

21.4.55

A.S.(E)

14

With reference to the remarks at paras 9 12 of [illegible] the letter of the F. & L. [illegible] 1937. In view of the purpose of the report [illegible] for the entire [illegible] of [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

A [illegible] [illegible]

Orders have been issued in G.O. Ms No 1272 Public (General) dated 18 6 37 relinquishing the entire rights of [illegible] were vested in the Govt under the Copyright Act to the public. There is therefore no necessity for the elaborate procedure suggested in the memo at pp 9 12 o.f. for the collection of Royalty. A draft memo. to the D.P.S. is submitted for approval. After issue, the papers may be filed with G.O. 2 [illegible]

[illegible]