

13/10
Educational (1897) Department.

ORDINARY MS.

G.O., No. 579

DATED 21-10-97

INDEXED.

W.S.
18/10

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[Despatch Abstract.]

Referring to the Advocate Genl: letter from
the D.P. I on the question whether Govt.
Can claim Copy rights in the Madras
Educational rules & other official
publications.

PRINTED IN G.O., dated

2.3.1898. No. 141.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
CN	107	141	2/3/98				

Current No. 926
Educational (1897) Department.

CURRENT No.

From

The Dir. of Pub. Instruction,
 Madras.

Order.

No. 9511-

Dated 9th August 1897.

Received 10 AUG. 1897

Registered

Enclosures nil

Spare copies

SUBJECT.

Recommending that private individuals be permitted to translate, publish and sell the translations of, the Educational Rules, Grant-in-Aid Code, Inspection Code, Notifications and similar other publications of Government.

Link
 Please add to the box
 file also for in
 if any have
 11/10/97

BACK PAPERS:

G.O.	No.	Department.	Date.
	152	Edl	8-3-94
	746	- u -	31-10-92
	554	- u -	2-8-94

FURTHER PAPERS.

G.O.	No.	Department.	Date.

OFFICE OF THE DIRECTOR OF

PUBLIC INSTRUCTION,

Madras, 9 AUGUST 1897.

From J.B. Bilderbeck Esqr. M.A.

THE HONOURABLE MR. D. DUNCAN, M.A., D.S., LL.D.,

Ag. DIRECTOR OF PUBLIC INSTRUCTION,

Madras,

To

The Secretary to Government,

Local & Municipal Department,

Fort St. George.

SIR,

I have the honour to inform you that I have been asked whether private individuals are at liberty to translate the Madras Educational Rules into the Vernaculars and to sell the translations for their own profit. As copyright in this and similar publications issued under the auspices of the Educational Department, without doubt, belongs to Government, only one answer can be given to the above question, but it appears to me that Government might with advantage part with so much of its right as would enable private individuals to translate these publications and to publish and sell the translations.

2. It seems to me that it is extremely desirable that certain portions of the Educational Rules, the Grant-in-Aid Code, the Inspection Code and other notifications should be translated into the Vernaculars for the benefit of teachers and managers of schools who are ignorant of the English language, but I cannot advise Government to have these translations made and published at its own expense. Such a course would throw a great deal of work on the offices of the various Translators to Government and also on the already over-worked Government Press, and, moreover, the publication of these translations would be unremunerative to Government in view of the limited sale that can be expected for them. In 1893 and 1894 a portion of the

first edition of the Educational Rules was translated into Tamil, Telugu, Canarese, Malayalam and Hindustani and the translations were printed at the Government Press. The subjoined table-which is a copy of one supplied at my request by the Superintendent of the Press-is an eloquent commentary on the commercial aspects of the undertaking.

Educational Rules	Date of publication	Number of copies printed	Sold for cash	Price per copy	Cash realized	Gratis supply	Sold by auction	Remarks
Tamil	25-3-93	500	263	0-4-6:75.15.6	...	237	50	copies of each have been retained in the Press, Vide No. 4149d/1-4-96 from the Dr.
Telugu	15-7-93	500	352	0-4-6:99.0.0	56	92		
Canarese	24-1-93	300	39	0-4-6:10.15.6	2	259		
Malayalam	31-7-93	300	31	0-4-6:8.11.6	2	267		
Hindustani	6-3-94	200	22	0-8-0:11.0.0	...	178		

* Of this number 54 copies were supplied to the Agent to the Governor of Vizagapatam District as per endorsement of the Director of Public Instruction No B.B/923 to 25 dated 19th September 1893 and B.B/944 dated 27th September 1893 and the two copies were sent to your department. "September 1893"

3. In these circumstances I would suggest that Government should assign to private individuals the right of translating, and publishing the translations of such ^{educational} codes, notifications &c or such portions of these as they may be specially authorised to do, and that, in order to save repeated references to ^{Government} ~~the~~ it should delegate its authority in the matter of sanctioning such translations to the Director of Public Instruction for the time being.

4. Moreover, as it is most important that the translations should accurately express the meaning of the original, it would, I think, be expedient that the parties who are authorised to make translations should submit their translations before publication to the Translators to Government. This course would not add greatly to the work of these officers while it would enhance the value of the translation when published by giving to it something of the nature of an official imprimatur.

5. I beg that early orders may be passed on these proposals.

I have the honour to be,

Sir,

Your most obedient servant,

J. B. Richards

Ag. Director of Public Instruction.

C. No. 926-797

SUBJECT.

Permission to translate the Educational Rules, the Grant-in-aid Code &c.

FOR ORDERS.

The D.P.I. assumes that Copyright in the Madras Educational Rules, the Grant-in-aid Code, the Technical Examination Notification and the like belongs to Govt and recommends that private persons be permitted to translate them into the vernaculars and to publish and sell such translations.

These official publications cannot come under the term "books" as used in Act XX of 1847 and in Statute 5+6 Victoria Cap 45 and any copyright cannot therefore be said to exist in them. These rules codes &c are first published in the official Gazette for general information and are then issued in pamphlet form for the use of the officers who have to be guided by them. As soon as a

a code of rules or a notification is published in the Govt Gazette it becomes public property and any persons can at once reprint it, translate it or deal with it in any manner he likes. In these respects, these rules resemble the Acts of the Legislature. If this view is correct, then it is clear that Govt can have no copyright in the codes & notifications referred to by the D.P.I. May the D.P.I. be informed so?

10/9/97 This Dept. caused give an authoritative opinion upon the point. Draft referring it for the opinion of the Adv. Gen.

S.L. 11/

Books removed
11/10/97

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Ed DEPARTMENT.

Papers to be read in proceedings:--

Again G.O., No.	, dated	189 .
Again G.O., No.	, dated	189 .
Current No. 926	of 1897, dated 9 th Aug -	, from the D.P.I
" "	" 189 , "	" "
" "	" 189 , "	" "

ORDER.
ms.

No. 579 & 21-10-97.

The Director's letter will be referred to the Advocate-General for an expression of opinion upon the question whether any copy-right exists in official publications such as the Madras Educational Rules, the Grant-in-aid code and the Technical Manual notification.

10/9/97

11/10/97

To

The Govt. solicitor 940
{ with cert in original & copies of the
Mad Ed. Rules, the Grant-in-aid code
& the Technical Manual notn.
- D.P.I. 940.

Depd
22-10-97

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.