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Public (1899) Department.

ORDINARY PRINTED.

G.O., No. 823

DATED 22-7-99

INDEXED.

[Despatch Abstract.]

Bills - Legislative

forwarded to the High Court the
advocate genl, for opinion, letter from the
govt & four copies of a bill to provide for the
protection of certain telegraphic press
messages; directing the publication of the
bill, with statement of Objects & Reasons, in the
G.O. Gazette in English & the several vernaculars

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Enclosures

1899.

Spare copies

G.O., No. 823, 22nd July 1899.

JULY.

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Communicating to the High Court and the Advocate-General, for opinion, letter from the Government of India forwarding copies of a Bill to provide for the protection of certain telegraphic press messages; and directing the publication of the Bill, with Statement of Objects and Reasons, in the *Fort St. George Gazette*, in English and the several vernaculars.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following paper :—

From J. M. MACPHERSON, Esq., C.S.I., Secretary to the Government of India, Legislative Department, to the Chief Secretary to the Government of Madras, dated Simla, 14th July 1899, No. 1365.

I am directed to forward herewith 40 copies of the papers noted on the margin, and to request that the Governor in Council will favour the Government of India in this department with an expression of his opinion on the provisions of the Bill, and with the opinions of the Honourable the Judges of the High Court and of such selected officers and other persons as the Governor in Council may think fit to consult on the subject.

A Bill to provide for the protection of certain telegraphic press messages, with Statement of Objects and Reasons.

2. I am also to request that the Bill and Statement may be published in the *Fort St. George Gazette* in English, and in such other languages as the Governor in Council may deem proper, and that the dates of publication of both may be communicated in your reply.

3. The reply to this letter should be sent in by the 15th August next.

ORDER—No. 823, Public, dated 22nd July 1899.

Communicated to the Honourable the Judges of the High Court and to the Honourable the Advocate-General for favour of very early opinion.

2. The Bill, with Statement of Objects and Reasons, will be published in the *Fort St. George Gazette* in English and the several vernaculars.

(True Extract.)

G. STOKES,
Chief Secretary.

To the Honourable the Judges of the High Court (with C.L.).
" Government Solicitor.
" Superintendent, Government Press.
" Translators to Government.

Ed. A. F. Eccleston.

[13]
1,000—20-7-99.

Financial (1899) Department.

CURRENT No.

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From

The Govt of India
Legislative Dept

No. 1365-

Dated 14th July 99

Received 20th July 99

Registered 21st July 99

Enclosures 2

Spare copies 30 & 32 & 34 & 36 & 38 & 40.

SUBJECT.

Proposing to issue a Bill to provide for the protection of certain telegraphic press messages with Statement of Objects and Reasons and to request the Government of India to favour the Government of Madras with an expression of opinion on the provisions of the Bill, and with the opinions of the Honourable the Judges of the High Court and of such selected officers and other persons as the Governor in Council may think fit to consult on the subject.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS. °

G.O.	No.	Department.	Date.

A
BILL
TO

Provide for the protection of certain telegraphic press messages.



WHEREAS it is expedient to provide for the protection of certain telegraphic press messages; It is hereby enacted as follows :—

1. (1) This Act may be called the Telegraphic Press Messages Act, 1899 ;
Short title, extent and commencement.

(2) It extends to the whole of British India ;
and

(3) It shall come into force on the first day of , 1899.

2. Subject to the provisions of section 5, where any person lawfully receives in British India a telegraphic press message despatched to him from any place outside India, and publishes the same, or permits the same to be published, in any newspaper or other printed paper published and circulated in British India, no other person shall, without the consent, express or implied, of such first-mentioned person, or his agent duly authorized in this behalf, publish, or cause to be published, in any newspaper or other printed paper such message, or the substance thereof, or any extract therefrom, until after a period of thirty-six hours from the time of first publication in British India :

Provided that nothing in this section shall be deemed to prohibit the publication of any such message after the expiration of sixty hours (exclusive of public holidays within the meaning of the Negotiable Instruments Act, 1881) from the time of the receipt thereof as aforesaid.

XXVI of
1891.

Explanation 1.—The publication of any part of a telegraphic press message, or of the substance thereof, or excepting the publication of any similar message in like manner sent of the intelligence therein contained, or any comment upon, or any reference to, such intelligence, shall be deemed to be a publication for the purposes of this Act.

Explanation 2.—A telegraphic press message despatched and received as aforesaid, which is transmitted by the person receiving the same to any newspaper published and circulated in British India, is a telegraphic press message within the meaning of this Act, although it is also transmitted to persons who pay or subscribe for the same.

3. (1) Whoever, in contravention of section 2, publishes any message or causes any message to be published, shall be punishable with fine which may extend to one hundred rupees.

(1) Whoever, having been convicted of an offence under this section, is again so convicted, shall be punishable with fine which may extend to five hundred rupees.

4. In any prosecution under this Act, the production of any document which purports to be a telegraphic message from some place outside India, received either directly or through some other person who has received the same directly, and which has been delivered to some person entitled to receive the same by a telegraph officer, as defined by the Indian Telegraph Act, 1885, shall be *prima facie* evidence that the message published as hereinbefore prescribed is a telegraphic press message within the meaning of this Act; and proof that any person is the owner, or is, or is acting or appears to be acting as, the editor or manager of a newspaper or other printed paper in which there has been any publication in contravention of the provisions of this Act, shall be *prima facie* evidence that such person has caused such unlawful publication. XIII of 1885.

5. (1) The provisions of this Act shall not apply to any telegraphic press message unless the same is printed and published under the heading "By Foreign Telegraph" and states the day and hour of its receipt.

(2) Every such statement as aforesaid shall be *prima facie* evidence of the time of receipt of the telegraphic press message to which it relates.

6. For the purposes of this Act, all references to time shall be construed as referring to "Madras Time".

7. Nothing in this Act shall apply to any document published by, or under the authority of, the Government.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

A
BILL
TO

Provide for the protection of certain tele-
graphic press messages.

(Mr. Rivaz.)

STATEMENT OF OBJECTS AND REASONS.

ON several occasions in the course of the last twenty-seven years the Government of India have received representations as to the expediency of enacting some measure of protection for foreign telegraphic press messages received in British India. In 1885 it was decided to provide for the matter in a Bill to amend the law of copyright. The introduction of which was at that time contemplated; but it was eventually dropped, and general legislation should not be initiated in India until the subject of copyright had been dealt with comprehensively for the whole of Her Majesty's dominions by Parliament.

Attention has again been drawn to the particular question of the protection of telegraphic news, and it seems to the Government of India that legislation regarding it is called for and that there is no necessity to postpone it any longer. The great importance to the Public of a prompt service of telegraphic news cannot be denied. It is to be doubted that enterprise in that direction is being checked by any realising how recognized no right of property in published telegrams, and the systematic piracy of expensive foreign press messages has been the result. Long the need for legislation has been felt, and recognized and acted upon by the colonial legislatures of New Zealand, Australia, the Cape of Good Hope, Hong Kong and Ceylon. In these circumstances it has been decided to introduce the present Bill, which has been framed somewhat on the model of the most recent of the colonial enactments alluded to, namely, that passed into law in Ceylon last year and entitled "The Telegram Copyright Ordinance, 1898."

C. M. RIVAZ.

The 5th July, 1899.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

ANNEXURE
TO
Bill to provide for the protection of certain
telegraphic press messages.

(Statement of Objects and Reasons.)

Note for the C.A.

Will the C.A. kindly
say if this paper be-
longs to him? I made
enquiries in the office
but no satisfactory solu-
tion has been found.
The answers received
from the persons consulted
seem to show that the
paper is one for Public
works. May it be sent
on to them please?

RC
21/7/99.

~~System~~ ~~is~~ ~~the~~ ~~Telegraph~~ ~~Dept.~~
deals with all questions relating
to Telegraphs - is correspond-
ing with the ~~Director~~ ~~General~~ ~~of~~ ~~Telegraphs~~
when authorized of the Telegraph
Dept when necessary - but this
~~system~~ p. " does not appear
to follow the ~~system~~ ~~of~~ ~~the~~ ~~Telegraph~~ ~~Dept.~~

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DEPARTMENT

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order
PS.

in English & the several
C^y persons.

22.7.99

Amr/11

20 The Hon. the Judge of the
H. Co. with a letter

How the

James C. Carter