

*Friday,
20th December, 1889*

ABSTRACT OF THE PROCEEDINGS
OF THE
Council of the Governor General of India,
LAWS AND REGULATIONS

Vol. XXVIII

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ABSTRACT OF THE PROCEEDINGS
OF
THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA,
ASSEMBLED FOR THE PURPOSE OF MAKING
LAWS AND REGULATIONS,

1889

VOLUME XXVIII



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*Abstract of the Proceedings of the Council of the Governor General of India,
assembled for the purpose of making Laws and Regulations under the pro-
visions of the Act of Parliament 24 & 25 Vict., cap. 67.*

The Council met at Government House on Friday, the 20th December, 1889.

PRESENT :

His Excellency the Viceroy and Governor General of India, G.C.M.G.,
G.M.S.I., G.M.I.E., *presiding*.

His Honour the Lieutenant-Governor of Bengal, K.C.S.I., C.I.E.

The Hon'ble Lieutenant-General G. T. Chesney, C.B., C.S.I., C.I.E., R.E.

The Hon'ble A. R. Scoble, Q.C., C.S.I.

The Hon'ble Sir C. A. Elliott, K.C.S.I.

The Hon'ble P. P. Hutchins, C.S.I.

The Hon'ble Sir D. M. Barbour, K.C.S.I.

The Hon'ble F. M. Halliday.

The Hon'ble Sir Pasupati Ananda Gajapati Razu, K.C.I.E., Mahārājā of
Vizianagram.

The Hon'ble Syud Ameer Hossein, C.I.E.

The Hon'ble G. H. P. Evans.

The Hon'ble Muhammad Ali Khan.

The Hon'ble R. J. Crosthwaite.

The Hon'ble Sir A. Wilson, Kt.

ACT XXV OF 1867 AMENDMENT BILL.

The Hon'ble MR. HUTCHINS moved for leave to introduce a Bill to amend
Act XXV of 1867 (*Printing-presses and Books*). He said :—

“ The Bill which has been prepared comprises eight sections, but of these
only one is really important. I have taken advantage of this opportunity to bring
the Act of 1867 more into harmony with recent legislation, but there is no
material change involved in such formal amendments; they may be left for
examination by a Select Committee, and I need not trouble the Council at large
by entering into explanations regarding them. The main object of the measure
is to repeal that portion of section 10 of the Act which requires that the publisher

of a book shall be paid, for the three copies which have to be delivered to Government under the ninth section, at the rate at which the book is *bonâ fide* sold for cash to the public. The Government is of opinion that the time has now come for requiring the presentation of these copies without payment, as in England.

"The law of the United Kingdom upon this point is contained in the Copyright Act of 1842, 5 & 6 Vict., cap. 45. This requires the gratuitous supply of every publication to the British Museum without demand, and to four other libraries—at Oxford, Cambridge, Edinburgh and Dublin—upon demand. The Bill which I am about to present for the consideration of Council follows the same lines. Two copies must be furnished without demand and two additional copies only if demanded. The present law requires three copies—for the Secretary of State, for the Government of India and for the Local Government; but the Secretary of State's copy is not always transmitted to him, and there is no reason why its delivery should be made compulsory otherwise than on demand. Like the British Museum, His Lordship makes a selection of the books which he desires from the periodical catalogues of Indian publications.

"I have just said that the present law requires three copies to be supplied, but I ought rather to have said that this is what the Act of 1867 requires. The English Statute extends not only to the United Kingdom, but 'to every part of the British dominions,' and might be enforced in India at any time. So that every publisher in this country is really under a legal obligation to furnish three copies on payment, one gratuitously without demand, and four others without payment if demanded; and I need hardly say that, if the law were fully enforced, a demand would always be made in the case of books possessing any real value, which alone can be considered deserving of protection. From this point of view it will be seen that my proposal cuts down and does not extend existing liabilities. Indeed, one of the principal reasons advanced in 1867 for enacting that the publisher should be paid was that he might at any time be required to furnish five additional copies for English libraries.

"The Hon'ble Mr. Hobhouse said at the time:—

"The Statute might be enforced at some future time, and then, if the proposed Act did not provide for paying the publisher, he would be compelled to deliver no less than eight copies without remuneration. Now, this, especially in the case of valuable works, which, besides the letter-press, contained prints or photographs, would be rather a hardship on the publisher.'

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"I regret that I cannot absolutely bar the application of the Statute to India. But no claim to receive Indian books under it has ever been put forward except by the British Museum. The demands of the Museum will now be fully provided for, and I may safely say that there is no likelihood whatever of the Statute being put into force here for the benefit of other libraries. Any such proposal would be met by insuperable objections.

"But now it may be said, why this parsimony? The Government has for twenty years been paying for its copies; why should it now place this burden upon Indian authors and publishers whom it really wishes to encourage? Before answering this question I will interpose a very few words to show that the burden is really insignificant. Hon'ble Members are well aware that in this country many copies of every work are presented to the author's friends and to persons occupying high stations; it is hardly a matter for complaint that he should be required to present two or even four more to the Empire at large. The Act secures to him the copyright of his book as soon as it has been registered under its provisions, and it is no great hardship that he should have to give these few copies in return for such advantages. Cost price alone has to be considered, and the burden is surely too slight to impose any appreciable check on the production or publication of books. It may seem to follow at first sight that it would be no great burden on the public finances to pay for the copies required, but there is all the difference in the world between cost price and the price which the publisher may choose to put upon a work and which Government may be compelled to pay. But the main object of the change which I propose is not a paltry economy. I will now explain how the proposal originated.

"When introducing the Bill which became Act XXV of 1867, the Hon'ble Mr. Hobhouse took some pains to justify the provision for payment and the departure from the English principle which I now wish to repeal, and in the course of his speech he alluded to certain arguments which had been put forward on the other side. One of them he dealt with in these words:—

"There might, it is true, be some sort of fraud perpetrated on Government, in the case of a man publishing a trumpery book, getting a few dishonest friends to conspire to buy copies at a high rate, and then compelling the Government to purchase the book at an exorbitant rate; but that is precluded by the clause which provides that the price shall be that at which the book is *bond fide* sold for cash to the public."

"My Lord, the apprehension that extravagant prices might be demanded has been fully realised: the safeguard supposed to be provided by the clause as to

bonâ fide price has not always proved effective, and I submit that it is neither fair nor becoming that the Curator or other officer appointed to take delivery of books should constantly have to institute secret enquiries in order to ascertain if the ostensible price is not fictitious, and in some cases even to prevent his being swindled.

“This may seem somewhat strong language; but I think I shall be able to justify it later on, if not by the very first instances which led to the question of payment being mooted. These occurred in the Bombay Presidency. A Collector reported that he had received three copies of each of three books for registration under the Act. Two of them were Persian poems in praise of two Parsi gentlemen, of which six and eight copies respectively had been printed, and the price was fixed at no less than Rs. 25 a copy. The third was an English publication, entitled ‘A short sketch of the life of the late lamented Sir Maxwell Melvill.’ This proved, however, to be a mere collection of extracts from that history of the services of gazetted officers with which most Hon’ble Members are well acquainted, and from the laudatory notices of that distinguished judge and officer which had been published in the Bombay newspapers shortly after his decease. One hundred copies of this compilation had been printed and the price was Rs. 10 for each. The claim of Rs. 75 for each of the poems was resisted, and I believe successfully, but the obituary notice of Sir M. Melvill cost the State Rs. 30, though it can hardly have been worth as many annas.

“The remedy first suggested by the Government of Bombay was that the Government of India should, under the power reserved by the twenty-first section, exclude from the operation of the Act ‘books which the Local Government might determine to have been written in praise or memory of particular persons in the hope that they will be purchased by, or with the intention that they shall be distributed amongst, those persons’ friends or admirers.’ It is obvious, however, that this would be no sufficient guide to the printer, to whom the obligation attaches to furnish the three copies of every book which he prints. Moreover, unless the Local Government were abnormally careful, such a provision might exclude such a book as *In Memoriam*, and for all I know the Persian poems to which I have alluded may have been as full of beauty, pathos and true poetry as that immortal work of our own Laureate.

“We then consulted Local Governments as to whether the law might not be amended as I now propose to amend it, and the replies have been absolutely unanimous in favour of the suggestion. They show further that very gross

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instances of extravagant and even fraudulent prices have come to light in almost every part of the country. In one place (not in the Bombay Presidency) an anonymous work called 'A General System of Book-keeping newly devised by a Business Man' had been submitted for registration, and Rs. 100 demanded as the price of each of the three copies furnished. This demand of Rs. 300 would have covered the whole cost of printing a considerable edition, but the Curator was quite unable to ascertain at what price the work was *bonâ fide* sold. It is doubtful if even a single copy was sold to any *bonâ fide* purchaser. From yet another part of India the Curator furnished a long list of unfair practices which had been resorted to within his own experience in order to increase the demand upon Government. They seem worth the notice of the Council, and I will ask permission to read them as they stand, merely suppressing names and similar particulars :—

“(1) Sometimes two prices are fixed—one for those who are able to pay, and another for those who are poor. (A person whom I will call) X put on his work on (a subject which shall be nameless) a price of Rs. 25 for those able to pay and a price of four annas only for those who are not able to pay, and succeeded in getting Rs. 75 from Government.

“(2) Two prices are often fixed—one very high for bound copies ; another, smaller, for unbound copies of the same edition ; and the bound copies are delivered to Government.

“(3) It often happens that the cover of the book only undergoes fresh printing for fresh editions, the book itself not being reprinted. I was rather surprised to find, while compiling the catalogue for the second quarter of 1888, that a work had undergone two editions within ten days of each other. The second edition showed no sign of having been printed anew, and Government had to pay for six copies of what was really one edition.

“If these tactics were repeated, payment for nine, twelve or even more copies might have been extracted.

“(4) Certain charts (on a subject which I need not mention) are each one sheet of paper, only printed on one side ; the subject-matter may be anything unintelligible, but it has nothing to do with the subject named. The author (whom I will call) Y sends two or three charts every quarter, and charges one rupee for each sheet. Yet Government can hardly refuse to pay for such works on the ground that they appear to be anything but what they profess to be.

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- “(5) No reliance is to be placed on the price given on the title-page of any work published at Z. The books are hawked all over the country by a class of men, who refuse to accept books unless a high price is shown on the title-page, which enables them to charge high prices upon ignorant villagers in the interior.’

“I think this will be enough to satisfy the Council that the provision of law which I seek to repeal has a most demoralizing effect, while in many instances it certainly entails a very unfair and exorbitant charge on the public revenues. I have also endeavoured to show that its repeal will not entail appreciable hardship on authors or publishers, while it will assimilate the law of India to that of the United Kingdom. For all these reasons I submit that the measure is a desirable one and I ask that it may be entertained.

“I only wish to add that I am making enquiries in the Home Department as to how far the collections of books received under the Act by the Government of India and Local Governments are or can be made available to the public at large. The Act certainly contemplates that the books of the Local Government shall, when possible, be deposited in a public library, and I have reason to believe that this is done in some Provinces, though not in all.”

The Motion was put and agreed to.

The Hon'ble MR. HUTCHINS also introduced the Bill.

The Hon'ble MR. HUTCHINS also moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The Motion was put and agreed to.

FOREST BILL.

The Hon'ble MR. HUTCHINS also moved that the Hon'ble the Maharájá of Vizianagram be added to the Select Committee on the Bill to amend the Indian Forest Act, 1878, the Burma Forest Act, 1881, and the Upper Burma Forest Regulation, 1887.

The Motion was put and agreed to.

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[*Mr. Scoble; Sir David Barbour.*]

GUARDIANS AND WARDS BILL.

The Hon'ble MR. SCOBLE moved that the Hon'ble Mr. Hutchins, the Hon'ble Syud Ameer Hossein, the Hon'ble Rájá Durga Charn Laha and the Hon'ble Mr. Crosthwaite be added to the Select Committee on the Bill to consolidate and amend the law relating to Guardian and Ward.

The Motion was put and agreed to.

ACTS VI AND VII OF 1884 AMENDMENT BILL.

The Hon'ble SIR DAVID BARBOUR moved that the Hon'ble Sir Alexander Wilson be added to the Select Committee on the Bill to amend Acts VI and VII of 1884 (*Inland Steam-vessels and Indian Steamships*).

The Motion was put and agreed to.

The Council adjourned to Friday, the 3rd January, 1890.

S. HARVEY JAMES,
Secretary to the Govt. of India,
Legislative Department.

FORT WILLIAM; }
The 23rd December, 1889. }