

Advantage has been taken of it by the Opposition Parties in Calcutta. So, you find, Sir today that there are about 10,000 displaced persons who had been sent to Bettiah in a place called Howrah Maidan.

There is one thing more which is very very significant. I wish my friend who talked about the Bettiah question yesterday was here this morning. At the same time, Sir, a movement was started within the State of West Bengal. These displaced persons who had been settled there for a number of years were also brought into Calcutta, and their number is about the same, 9,000 or 10,000. So, today you have in Calcutta roundabout 18,000 or 19,000 persons, half of them from Bettiah had half of them from the State of Bengal itself. It is stated, Sir, that we are not giving them food, we are not giving them shelter. But to me, Sir, the amazing thing is this that where the Opposition Parties are the loudest in espousing the cause of the displaced persons who have come from Bettiah, not a word is said about those 9,000 or 10,000 persons who have moved from within the State and have come to Calcutta and are living in the same conditions. Unfortunately, Sir,—and possibly fortunately too, Sir, because I have been associated with the rehabilitation movement from the very beginning—though in the West this problem had been dealt with at a human level, there in the East a number of political parties come into the picture, and to the rehabilitation problem even political colour is given. I am sorry to say, Sir, that an unfortunate propaganda was launched in the Bettiah Camp itself and all sorts of hopes were raised by some of the mischief-mongers to persuade those people to come to Calcutta in the hope of their being rehabilitated in their *Matrabhoomi*. That was the word used, Sir. They were told "Bengal is your *Matrabhoomi*; no other place is your *Matrabhoomi*; come back to Bengal; we want you there, and we will see that relief and rehabilitation

assistance is given to you." I wish to submit, Sir, to you, and through you to the House that a refugee—I concede—being a victim of unfortunate circumstances, has the right to call upon the Government to give him every possible assistance in the matter of relief and rehabilitation. But as a Minister, Sir, and being a refugee myself, I cannot concede this right to a displaced person that he should demand to be settled in a State of his own choice. Rehabilitation has got to be done according to a planned programme and on a phased basis. The State of West Bengal has already reached the saturation point and today there are more than 31 lakhs of displaced persons there and there are no obvious chances of any vacuum being created either in the reclamation of lands or in the employment sector. Well, I am sorry, Sir, for these unfortunate persons who have been duped.

Two things, Sir, I wish to submit in the end. Firstly, as far as I and my Ministry are concerned, when these displaced persons go back to Bettiah, we shall receive them with open arms. I will see that the past is forgotten and they are given every possible facility in the matter of their rehabilitation in that State. Secondly, Sir, I may also state categorically that as long as they go on lying in the streets of Calcutta and creating a problem which is more political than human, there is nothing that I shall be able to do in the matter. And thirdly, Sir, it is stated that the conditions in the Bettiah Camp are intolerable. I beg to extend an invitation, Sir, to every Member of this House, whether he or she is sitting on this side of the House or on the opposite side of the House, and if he or she likes to visit Bettiah, I shall see that all normal facilities are provided to him or her so that he or she can see things for himself or herself. Thank you, Sir.

THE COPYRIGHT BILL, 1955

THE MINISTER OF STATE IN THE  
MINISTRY OF EDUCATION AND

[Dr. K. L. Shrimali]  
SCIENTIFIC RESEARCH (DR. K. L. SHRIMALI): Sir, I beg to move:

"That the Bill to amend and consolidate the law relating to copyright, as reported by the Joint Committee of the Houses, be taken into consideration."

Sir, the House would recall that this Bill was introduced in this House in October 1955. The motion for referring the Bill to a Joint Committee was moved on the 16th February 1956 and was adopted by the House on the same day. The Joint Committee held thirteen sittings and examined the various witnesses including some foreign witnesses. Among the witnesses who were examined by the Joint select Committee were the representatives of the International Confederation of Authors', and Composers', Paris, the Performing Right Society, London, the British Joint Copyright Council, London, the All-India Centre of P. E. N., Bombay, the Indian Committee for Cultural Freedom, Bombay, and the Indian Institute for Educational and Cultural Co-operation, Bombay and others.

The Bill has been considerably changed as it has emerged from the Joint Select Committee. I shall not take the time of the House in going into the various clauses at this stage. I will only draw attention to the important changes that have been made in the Bill.

Sir, the Select Committee had to take into account various interests. Of course, the main purpose of the Copyright Bill was to give protection to the authors, to the musicians, to the artists and all kinds of people who are doing creative work. But after all, the copyright is a kind of monopoly, and since it is a monopoly, it does evoke criticism from other interest who are also affected. There were various kinds of interests which the Committee had to take into account. There were, of course, the authors, and the Committee did want to protect the

authors. But we had also to take into account the interests of the public. If the monopoly is extended for too long a period, it may affect the general public. Then we had also to take into account the surviving families of the authors. The authors have to depend on the income through their writings and creations, and for most of the people that is the only source of income. Their families also therefore have to depend on that income. Therefore, we had to take into account the families of the authors also. And lastly, we had to take into account the interests of the publishers also. The Committee felt that unless we safeguard the interests of the publishers also, the authors cannot succeed in bringing out good works. The authors themselves cannot become publishers, and therefore, to some extent, we had to safeguard the interests of the publishers also.

Now, Sir, the Committee was faced with these various kinds of interests, the author, the reader, the family and the publisher, and the Committee has attempted to strike a balance between these various conflicting interests. In revising this Bill we received a full measure of co-operation from all the Members, to whichever party they belonged. The Bill was not taken in a party spirit. Everybody was interested in seeing what he could do to release the creative energies of the people in this country. It was in that spirit that the whole approach was made and I must say that the Bill as has emerged is a considerable improvement on the Bill which was introduced in the House.

I would draw attention to the principal changes that have been made in the Bill. The first is with regard to the term of copyright. The House would remember that in the original Bill we had provided that the term of copyright should be for the life of the author and 25 years after his death. Now the main purpose with which the period was curtailed in the original Bill was that we thought

that unlimited monopoly right might work adversely against the interests of the general public and that a period of 25 years was enough to safeguard the interests of the author and his family. But in the Joint Committee the authors felt strongly that that was inadequate and therefore I willingly accepted the amendment and have extended the period for the life of the author and for 50 years after his death. There were two main reasons which weighed with the Committee in coming to this decision. Firstly, even if we had kept 25 years for the Indian authors, we were bound to keep a period of 50 years for foreign authors because India is a member of the Berne Convention. That would have created discrimination between the Indian authors and the foreign authors. Secondly, the Committee felt that authors in India are not rich people. They don't have large property and therefore it would be desirable to extend that period and I am happy to say that there was unanimity with regard to that provision.

Then there was the question of re-assignment of copyright. The House would remember that in clause 18 of the original Bill the authors were given the option to re-purchase the copyright after 7 years and before 10 years of the date of the assignment of their works. In our country very often authors have to part with their works under very difficult circumstances. They part with their work to a publisher for practically nothing. There is no choice before them. Now the intention behind the original clause was that after a period of 7 years and before 10 years, if the author was in a position to take back that work, he should be given the opportunity for re-assignment. This point was very thoroughly discussed in the Joint Select Committee. But the general opinion was that this clause of re-assignment may work against the authors themselves. The publishers will not come forward to accept the works of the authors if they felt that after a period of 7 years

they were going to lose their right of monopoly. We have to remember that the publisher also makes an investment and he has to advertise for the book and he puts in a lot of labour in the initial stages in order that the book might be sold. All the labour that he puts in or the money he invests will be done in the first few years. If the publisher knows that after a period of 7 or 10 years he was going to lose the book, naturally he would not be interested in making that investment. Therefore the Committee felt that this clause might work against the authors themselves. Though at the face this clause seemed to be working in the interest of the authors, it would really work against their interests. Therefore the Committee has deleted this clause.

Then with regard to registration of copyright, the original Bill had provided for the registration of the work with the Registrar of Copyrights. The registration was also voluntary but according to the original Bill no infringement proceeding could be instituted unless the work had been registered with the Registrar. The Committee felt that this kind of formality may lead to unnecessary hardships to authors. Therefore in the revised Bill, registration has been made absolutely voluntary.

Then there is also a provision for compulsory licence. The original Bill had provided that the compulsory licence would be granted by the Registrar of Copyrights. The Committee felt that since this was an important matter—granting of compulsory licence—it should be done only by the Copyright Board and on certain specific conditions. The first condition is that the compensation shall be paid to the owner of the copyright. Secondly, the licence shall be granted only if the public interest demands such a grant. These were the two conditions which have been laid down for compulsory licence.

With regard to translation rights, in the original Bill the right of translation was co-extensive with the

[Dr. K. L. Shrimali.]

term of copyright, that is, for a period of 25 years. But in the modified Bill since the normal term of copyright is for the life of the author and 50 years after his death, it was considered desirable that as regards translation of works, it should not be co-extensive with the term of copyright. The main reasons which weighed with the Committee were that since in our country there are various kinds of languages and we are naturally anxious that culture and knowledge should be disseminated as quickly and as widely as possible, therefore, as regards the translation right is concerned, that has been kept only for a period of 10 years from the date of the publication of the work.

That is the provision which has been made in the revised Bill. We are only restoring the *status quo*, that is, if an author fails to bring out a translation within a period of ten years, the work goes to the public domain and it can be translated without infringing the copyright. As I said earlier, if we accept this provision, this will bring about greater dissemination of knowledge in this country and will bring about cultural unity.

DR. W. S. BARLINGAY (Bombay): May I ask one or two questions of the hon. Minister?

DR. K. L. SHRIMALI: May I just finish it?

With regard to the ownership of copyright, the fundamental principle of copyright is that a work belongs to the person whose intellectual product it is but even authors cannot have an absolute right. There are some limitations under which authors work and we have to take into account those limitations. Sometimes, an author may be with a newspaper proprietor and if, during the period of his employment, he produces certain work, then he does not enjoy absolute right. Therefore, that copyright has been split into two parts. The newspaper proprietor gets the

right to publish it in the newspapers and magazines while the author retains other rights of his works, such as, publication in the form of book, etc. Here again, the Committee tried to strike a balance between the rights of the author and the rights of the proprietor. We have done everything that is possible to safeguard the interests of the author by giving absolute freedom of contract. The author of his own free will can opt out by contract and it is hoped that through this clause it will be possible for the authors to get a fair deal and reasonable return for the work from the publishers.

This Bill envisages the establishment of a Copyright Board to discharge certain statutory functions. For the proper functioning of this Board, it is necessary that the body should be absolutely impartial. It has, therefore, been decided that the persons who are appointed to this Board must be men of integrity and must be independent. It has also been made clear that the members of the Board should not take part in any proceedings of the Board in matters in which they have some vested interest. To ensure full impartiality, it has also been decided that the Chairman of the Board will be a Judge of the High Court or of the Supreme Court and in this way the impartiality and independence of the Board is ensured. Since our country is vast, it is impossible for the Board to function from one place and, therefore, it has been decided that the Board should function through various branches sitting in different places. The jurisdiction of the Board has been divided into various zones which correspond to the zones constituted under section 15 of the States Reorganisation Act.

There are certain acts which are not to be considered as acts of infringement of the copyright. Certain important additions have been made to the original clause 54 and the most important one is that the reproduction of published works in any publication prepared by the Secretariat of

a Legislature for the exclusive use of the Members of the Legislature is exempt from the provisions. Very often Parliament has to prepare brochures for the use of the Members and it has been decided that these should not be considered infringements since they are brought out entirely in the public interests. Then comes the making of records of works if such records have been previously made by licence. This will also not constitute an infringement. The translation in any Indian language of an Indian work after the expiry of ten years from the first publication of the work will not be considered as infringement. I have already dealt with this clause. We have also given right to the educational institutions to reproduce the works of an author while the teacher is giving instructions in the class room. It has also been further provided that the performance of any work in the course of any activity of the educational institution shall not constitute an infringement of copyright. Of course, the audience must be restricted to the students and the members of the staff and the guardians. This provision was considered necessary as it would help in the development of cultural activities in our country. We have also given facilities to clubs by permitting the performance by amateur clubs or societies if it is given before a non-paying audience or for the benefit of religious or charitable institutions. I hope that this provision will also help in propagating culture in our country.

Now, Sir, these are the main changes that have been introduced by the Joint Select Committee of both the Houses and I do hope that the Members would think that the Bill, as it has emerged from the Joint Select Committee, is a distinct improvement on the previous Bill which was introduced here.

Thank you, Sir.

MR. CHAIRMAN: You wanted to ask some questions, Dr. Barlingay.

DR. W. S. BURLINGAY: Yes, Sir. I want to ask one or two questions by way of clarification.

With regard to the right to translation, I should like to ask whether this is not a right to property and, if it is a right to property, is it not necessary that, as far as possible, all such rights should be uniformly dealt with, that is, whatever rules apply to rights of property ought to apply to translations because that is a piece of property. That is one. The second is with regard to inheritance. I understand that after a man is dead, the rights will continue on his work upto 25 years.

SHRI AKBAR ALI KHAN (Andhra Pradesh): Fifty years.

DR. W. S. BURLINGAY: I am sorry, fifty years. Why should there be a restriction of this sort at all? Why should not the rule be common for all property?

DR. K. L. SHRIMALI: This is an interesting point. I do not remember the exact place where this was discussed in the court in the United States, but I think the Judge was Holmes—I am only saying this from memory at the present moment—and he said that it was wrong to think that all properties are of the same kind; copyright is not the same thing as landed property. If an author creates something, it is in the interests of the people. After all, no writer can function unless there are people who can read his work and, therefore, they are related to each other. Therefore, the Judge in his note of dissent said that it would be wrong to think that the work of an author is the same thing as landed property.

SHRI P. N. SAPRU (Uttar Pradesh): The point is, why should there be a distinction made between an original one and a translation. So far as the original is concerned, it is fifty years

[Shri P. N. Sapru.]  
and the period for translation is ten years. The question is: What is the rational principle behind this distinction? Why is translation regarded as not constituting an infringement of a person's copyright? I remember a case, Sir,.....

Mr. CHAIRMAN: No speeches now; speeches will come at a later stage. You can only ask questions.

SHRIMATI T. NALLAMUTHU RAMAMURTI (Madras): In the matter of right, whether copyright or property right, I think it should be equalised; also with regard to translation a man's intellectual gifts should go on to his descendants, as he willed it, and he expects them to continue for any amount of time, till eternity. Why should you differentiate between the right to property and the right to copyright of the coming generations? The family in either case should enjoy it.

Mr. CHAIRMAN: Motion moved:

"That the Bill to amend and consolidate the law relating to copyright, as reported by the Joint Committee of the Houses, be taken into consideration.

[Mr. DEPUTY CHAIRMAN in the Chair.]

SHRI RAJENDRA PRATAP SINHA (Bihar): Mr. Deputy Chairman, even at the risk of being accused of self-praise I would like to pay my tributes to the collective wisdom of the Joint Committee which went into this measure very thoroughly and exhaustively and which has transformed this Bill, which was regarded as a retrograde measure by the authors and cultural societies all over the world into a measure which, I am sure, will not only be welcomed by the authors all over the world but which is befitting this ancient land of hoary civilisation. Sir, I am sure that this measure will be a beacon light for the various countries of the Berne Union who may have, like us, to revise their Copyright laws in order to

bring them in conformity with the Brussels text of 1948.

Sir, I would also like on this occasion to record my great sense of appreciation for the vision and the great depth of feeling and understanding shown by the hon. Minister in charge of this Bill in the Joint Committee in order to appreciate the viewpoints of the authors particularly, and of the public generally. I am sure, Sir, that without this co-operation the Joint Committee could not have achieved what it has done today in presenting to this House a monumental piece of legislation, which would preserve not only our cultural traditions but, I am sure, it will give a great impetus to the cultural and mental activities in this country. Sir, intellectual endeavours of the authors of literary, musical, dramatic and scientific works are not only the pillars of civilisation, but they are the springs from which flow and from which have flown civilisations throughout the course of human history. The State, therefore, Sir, and particularly the Legislatures have a particular responsibility to create conditions in the society, such that these intellectual endeavours are carried on freely, fearlessly and independently by the authors in the country. Sir, the authors play a spiritual and mental role which confers profound benefit on the whole humanity and which is the decisive factor in shaping the course of civilisation and therefore, Sir, authors must receive the greatest protection at the hands of the State.

Sir, copyright has been defined by an eminent jurist as "the right conferred by law on authors and other creative artists to control the reproduction, sale or performance of their work." And therefore, Sir, it is said that much depends upon how we view the copyright that will lead to the promotion of culture and civilisation in any period of human civilisation. The author says, Sir: "Properly understood and wisely handled it may at the same time be a powerful stimulus to creation and a means

of increasing the flow of information and ideas. Misunderstood, and with its true purposes lost sight of, copyright can become a limitation on creation and a barrier to free interchange and expression."

Sir, the Universal Declaration of Human Rights was adopted by the General Assembly of the United Nations on the 10th December, 1948, and article 27 of this Declaration of Human Rights reads thus: "Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author." It also says in another article that "everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits."

Therefore the whole notion of copyright is based on the claims of two different parties namely, the author and the society. Now the best system of copyright law will be that which harmonises these two conflicting interests, as has been very rightly pointed out by my Hon'ble friend, Sir, the rights of the author and of the society. I must say that the Joint Committee was guided by these high principles and if you examine the provisions of this Bill you will find that the whole essence of the Joint Committee's recommendations is that they have endeavoured to harmonise these two conflicting rights and interest to further the cause of culture and civilisation.

Sir, another aspect of the Copyright Law is its international aspect. Although the work of a mind draws certain important elements from the language and traditions of the different countries, it bears a universal character and therefore it easily crosses frontiers. The work of a mind does not necessarily attach itself to any objective element in the society or in the country and therefore its passage from one country to

the other across the frontier is very easy. With the improvements in technological methods for the production, reproduction and adaptations and so on and also with the vastly changing modes of communication between countries the international aspect of the copyright question has taken a very important character. Sir, efforts have been made since the middle of the last century to evolve international conventions in order to safeguard the rights of authors of different lands and in different countries and the oldest convention is the Berne Convention which was concluded in the year 1886 with 10 members and now it has 43 members and we are a party to this Convention. Now, this Convention has been modified on several occasions and the last modification of this Convention was done in the year 1948 which is popularly known as the Brussels Text of the Convention. Now, you will remember that the Parliament of India passed a resolution that we should become one of the signatories to this Text. We could not do so unless our laws—the Copyright Laws—were brought in conformity with the Brussels Text. I am aware of the fact that there is a provision in this Text by which any contracting country can have different provisions for their own nationals in respect of copyright matters other than the Convention provisions. And therefore my hon. friend referred to the two sets of laws prevailing in a country but it is my view—and my view is shared by a large number of authors in different parts of the world—that the whole purpose of these Conventions would be defeated if countries after countries start deviating from the Conventions and if they begin to have for their own nationals provisions other than those adumbrated in the Conventions. Therefore it is my submission that it should be our endeavour to bring our Copyright Law in line with the Convention—the Berne Convention—to which we are a signatory. So, it has been the endeavour of the Joint Committee to bring

[Shri Rajendra Pratap Sinha.]

this law in line with the Berne Convention and the popular Brussels Text of 1948 and it is only in a very few respects to which I shall presently refer, that they are not in line with the Berne Convention and I shall plead before this House that we should amend the provisions of this Bill in order to bring them in line with the Berne Convention.

Sir, I am entirely in agreement with the points raised by many friends in this House by way of seeking clarification from the hon. Minister in respect of the translation rights. You will find that in the original Bill it was provided that the translation rights would be co-extensive with the copyright period which of course was 25 years. Now what the Joint Committee has done is that they have extended the *post mortem* period from 25 to 50 years but have gone back upon the provisions of the Bill and curtailed the translation rights from the co-extensive period to only 10 years from the date of publication. If you will refer to my note of dissent on page xix you will find that I have stated that what is proposed to be done is against both the Brussels Text and the Universal Copyright Convention of 1952. Now, we are a party to both these Conventions and I have already pleaded with you, Sir, that the whole scheme of international conventions will go to pieces if country after country starts making its own laws different from the text of the Conventions. The whole aim of the Conventions is to unify the period of protection, to simplify protection and to make it more effective. That is the purpose of these conventions and my plea is that so far as translation rights are concerned we should accept the provisions as provided in the Berne Convention and in the Universal Convention. Sir, with your permission, I would like to read out these two articles from these two Conventions. Article 8 of the Berne Convention says:

"Authors of literary and artistic works protected by this Convention shall have the *exclusive* right of making and of authorising the translation of their works *throughout* the term of protection of their right in the original works."

Now, that is the Berne Convention and we are one of the very old members of this Convention.

Now, the Universal Copyright Convention, which of course gives lesser protection to the authors than the Berne Convention, says:

"Copyright shall include the *exclusive* right of the author to make, publish and authorize the making and publication of translations of works protected under this Convention."

But the Universal Copyright Convention has provided that in certain circumstances the translation rights could be encroached upon. Now, they have provided five conditions. One of these is that a non-exclusive licence could be given for making a translation, if the translation has not been done previously by the owner of the copyright himself, or if such permission was denied by the owner of the copyright for making the translation. This right is further subject to just and adequate payment of compensation to the owner of the copyright. Now, what we have done is that so far as the right of translation is concerned, we have expropriated the authors or the owners of the copyright without giving any compensation to the owners of the copyright. Now, I claim, I maintain that this piece of legislation runs counter to the whole spirit of our Constitution. It is expropriation. We want to take away their rights without even giving a nominal compensation. You will find that even the Universal Copyright Convention which gives very much lower rights to the authors than the Berne Convention, says specifically that such non-exclusive



licence for translation could be given by the authorities, provided just and adequate compensation was paid to the owner of the copyright.

Now, Sir, the other postulate is this that the man who gets this licence for translation must be capable of rendering a correct and true translation and finally if the author of a particular book has withdrawn that book from circulation, then no right of translation could be given in respect of such books.

Now, if you refer to my amendment No. 14, you will find that I have drafted this amendment on the lines of the Universal Copyright Convention and I would not like to take your time to read out the provisions of this amendment at this stage—which I shall do when you take up clause-by-clause consideration. But I would like merely to remark here that all these conditions are fulfilled if we accept the amendment I have proposed in amendment No. 14. The whole idea is that we have not various languages in this country and we would like to enrich as much as possible all our languages. And therefore we have provided here that any work of our nationals—mind that you cannot translate the work of non-nationals—could be translated in any of the languages mentioned in the Eighth Schedule at the end of ten years of the first publication. That is to say, at the end of ten years of the first publication, so far as the translation right of the copyright is concerned it lapses into the public domain. Now, there is no restriction and I have read with great interest the minute of dissent of my revered friend, Professor Dinkar, as to now the authors feel the pinch and the pain when their works are translated badly, in their own presence, while they are living by people who are not properly authorised, or people who do not deserve to be given this licence of making the translation. I would, therefore, plead that the whole purpose of allowing a work to be translated into the various languages of India will be

achieved by accepting my amendment. The Copyright Board, which will now be a very independent board, presided over by a highly reputed and judicial person is empowered that in case the author does not give permission for the translation of his right after the expiry of seven years—that is what I have proposed—the Copyright Board is authorised to give licence for the translation of his work. And, then, I have made all those safeguards in the interests of the author and in the interests of true translation, correct translation.

Now, Sir, it has been very rightly pointed out by the hon. Minister that the authors in this country—or as a matter of fact, authors all over the world—are not very rich people and the whole purpose of giving protection to the authors' works is that they may receive adequate economic compensation for their work of mind. Now, if you read the evidences that were tendered before the Joint Committee, you will find that the average selling price or the average sale of a book of an author is not more than a thousand copies and the average selling price is not more than Rs. 1-8-0 or Rs. 2. These were the statistics that were given. I am talking of the averages. What a person can get by writing, an average writer can get by writing a book is hardly anything because the total sale proceeds of the thousand copies would be about Rs. 1500. Now, the author is expected to get ten per cent out of that. Now, you deny to him even this ten per cent from the sale of his product of his mind, in other languages by way of translation. Let us take this case. Members of this House generally come into contact with very eminent writers and authors who are Members of this House. Naturally they are eminent writers and their books and other literary works command greater sale and they make money. But we should not be guided by a few rich or good authors, but we

[Shri Rajendra Pratap Sinha.] should take into account the average author. His earning is not more than Rs. 200 or Rs. 250 maximum per book. Therefore, my submission is that it will be a very retrograde step. It will hamper the cultural activities of our country if we accept the provision as mentioned in this Bill. And, therefore, my pleading with this House is that they will accept this amendment No. 14. Shall I continue, Sir?

MR. DEPUTY CHAIRMAN: You may go on till the Railway Minister comes.

SHRI RAJENDRA PRATAP SINHA: Sir.....

1 P.M.

MR. DEPUTY CHAIRMAN: You speak on the main Bill.

SHRI RAJENDRA PRATAP SINHA: All right, Sir. Now I will draw your attention to the period or the term of copyright protection. As you have seen, Sir, it has been raised from 25 years to 50 years *post mortem*, that is to say, the work of an author will continue to be protected under the copyright law fifty years after the death of the author. It was originally proposed that this period should only be 25 years but it was raised to 50 years in order to bring this in line with the Berne Convention. I maintain, Sir, that this is the most important feature of the Convention, and if we do not accept this period of 50 years *post mortem*, I am afraid India will not be permitted to ratify the text of the Convention. If we choose to have a lesser period than 50 years, we shall have to decide to get out of this Convention. It was unanimously decided by both the Houses of this Parliament that we should ratify this Convention. Are we to go back upon that? Taking all these facts into consideration the Joint Committee thought it proper to raise the *post mortem* period from 25 to 50 years. Now, some hon. Members

may consider that by so doing we are giving this monopolistic right to the author, maybe for 80 years—for 30 years the author may be living after the date of his publication, then 50 years after his death, it comes to 80 years. But there are countries which give perpetual copyright, as was suggested by my hon. friend. There are countries which give a very much higher *post mortem* period ranging from 50 to 80 years.

SHRI JASPAT ROY KAPOOR: (Uttar Pradesh): Sir, may we not put off the presentation of the Railway Budget till after lunch? Late performance is not unusual with the Railways.

MR. DEPUTY CHAIRMAN: All right. The House stands adjourned till 2-30 P.M.

The House then adjourned for lunch at three minutes past one of the clock.

The House reassembled after lunch at half past two of the clock, MR. DEPUTY CHAIRMAN in the Chair.

NOTICE OF MOTION TO DISCUSS GOVERNMENT'S REJECTION OF THE FINDINGS OF THE ENQUIRY COMMITTEE OF THE MAHBOOB-NAGAR ACCIDENT.

SHRI BHUPESH GUPTA (West Bengal): Sir, I have given notice of a motion to discuss the question of the rejection by Government of the findings of the Enquiry Committee of the Mahboobnagar accident. Since the hon. Minister is here, we would like to know whether he would have a debate on the subject.

MR. DEPUTY CHAIRMAN: There are Rules and Standing Orders by which points can be raised during the debate in this House. You cannot jump up all of a sudden.....

SHRI BHUPESH GUPTA: What I think is.....

MR. DEPUTY CHAIRMAN: If you have given notice, it will be considered.