



Dr. Sutapa Chatterjee
Asst. Librarian,
Presidency University,
Kolkata,
sutapa02chatterjee@gmail.com

IISRR-IJR ID No. 2607

DOI No. 10.5281/zenodo.16935108

Copyright issues in Translation of Bengali Books: Differences between Translation Societies and Publishing Houses

Sutapa Chatterjee

Abstract:

In the Copyright regime translators are considered as one of the most important interest groups. They have every right on the translated version of the original work. Their rights are protected by law. A survey was conducted to identify different violation and infringement occurring in different areas of translation sector. The study also accesses the awareness of individual translators about their right. Finally, the paper concludes that most of them are not sufficiently aware of their rights.

Keywords: Translation works, Translators, Copyright, IPR

1. Introduction:

The translation of a literary work is itself a literary work and is entitled to Copyright protection, if it is original and the author has expended sufficient labor and skill on it. (Narayanan, 2010). In order to translate a work, protected by Copyright, authorization of the Copyright owner is required at the same time the translators also enjoy the Copyright without prejudice to the rights of the original authors. This right was recognized as fundamental in 1886 as translation gives literary works their international dimension. (Chawla, 2013).

Translation right was addressed elaborately in 1983 amendments of Indian Copyright Act which says "The translator enjoys Copyright of the translated version of a work; however, he/she shares the moral and economic value of the translated work with the author of the work". In order to enjoy their right thoroughly, translators should remain aware of their rights. A survey was conducted to identify different violation and infringement occurring in different areas of translation sector.

2. Review of Literature:

Over the years, researchers have explored the rights of translators, the originality of their work, and the legal protections they deserve. In India, where linguistic diversity is vast, these issues are particularly significant.

Recent researches treated translation as an act of creativity in its own right. Translators bring



their own judgment, skill, and style into a text, the result is a unique work, one that meets the legal threshold for originality and deserves copyright protection. (Vargová, Rihova, & Hrdlickova, 2023) A researcher highlighted how translators have historically been pushed into the background, treated merely as facilitators rather than acknowledged creators, and argued for recognizing them as co-authors (Venuti, 1995). Copyright systems have been shaped by colonial and hierarchical power structures, which sometimes undervalue the cultural labor of translation. (Basalamah & Sadek, 2014)

In the Indian context, the law does provide a place for translators' rights. The Indian Copyright Act 1957 states that 'translations fall under the category of "adaptations," giving exclusive rights to the original copyright holder'. A detailed view of how Indian law has been discussed in a paper regarding protection of translated works. The work underlines how the Indian system balances the rights of original authors with those of translators. (Marakkar, 2024)

The impact of ignoring copyright protections is not just theoretical. A study covering the Iranian publishing scene, found that unauthorized translations often lead to poor quality, multiple competing editions, and a loss of trust among readers. The researcher concluded that these problems can easily occur in any country without strong enforcement and respect for intellectual property rights. (Yalsharzeh, Monsefi, & Salmanpour, 2023)

The above literature review shows that all the researchers through their investigation established that translation is not just a mechanical transfer of language—it is an act of creation, shaped by the translator's expertise, voice, and interpretation. Globally and in India, scholars and courts alike are increasingly recognizing this fact.

3. Research Gaps:

At present day, it is also true that as the publishing world becomes more interconnected, respecting both the creative and legal dimensions of translation is essential, not only to protect translators but also to maintain cultural and scholarly integrity. There is no such study found describing this particular aspect of translation area. From this aspect it is become very much essential to find out what are legal violations and infringements occurring in the translation sector and how well the translator are aware of the legal framework available to protect their rights.

4. Objective of the study:

Main Objectives of this Study was to identify-

- (i) Different types of violations and infringements are occurring in the Bengali book publishing sector.



- (ii) To access the level of awareness of Copyright matters among people associated with the translation service.

5. Methodology and limitations:

5.1 Research design:

The study adopted the questionnaire method to study the awareness of the individual translators towards different Copyright issues. The questionnaire was designed in printed form. The researcher circulated the questionnaire among the translator community to understand the current scenario of the translation sector.

5.2 Sample size

Selecting a sample size is very difficult job as the sector is very much scattered, three major learned societies, Five big publishing house and twenty individual translators are interviewed. The questionnaires were disseminated, and the responses were collected during the year January 2023 to February 2024. The Sahitya Academy and NBT translators' lists were used to gather the names and addresses of regular translators of Bengali books. Fifteen of the nearly twenty translators who were contacted gave positive answers.

5.3 Research Tools:

Printed questioners with both open and close ended (total ten) questions are framed to achieve the survey objective. Collected data are tabulated with simple percentage value and analyzed. There were two sections in the questionnaire. Four questions make up the first segment, which aims to comprehend "infringement and violation of copyright matters" pertaining to translation; the other six questions in the second section were intended to determine the general level of "copyright awareness" throughout the translator's community.

5.4 Procedure of Data collection and data analysis:

The poll was conducted among 15 individual translators, five publishing houses, and the translation divisions of three significant scholarly societies. Sahitya Academy, National Book 1 Trust (NBT)2, and the Centre for Translation of Indian Literature 3 (affiliated with the Department of Comparative Literature, Jadavpur University) are three such societies in Kolkata. There aren't many publishing houses that translate Bengali books. They provide English and Hindi translations of Bengali literature published by their own publishing business. Five prominent publishing houses were interviewed, including Sishu Sahitya Samsad, Ananda Publishers, Dey's Publishing, Mitra Ghosh Publishers, and New Central Book Agency. Both open and close ended (total fifteen) questions are framed to achieve the survey objective. Collected



data are tabulated with simple percentage value and analyzed.

6. Limitations of the Study:

- (i) The scope of this study is confined to Copyright issues related to translators' community.
- (ii) The time limitation is one year, and the translators who work in Bengali language only.

7. Data interpretation:

7.1. *Infringement and violation of copyright matters:*

7.1.1. *The perspective of learned societies and individual publishing house:*

Questions in this section are framed in such a way to get a clear scenario about the infringement and violation of copyright occurring in the area of translation. Mainly there are three different types of violations are identified

(i) Translating a book into another language (English or Hindi) without the publisher's or author's permission. Two of the five publishing houses stated that a few less well-known Hindi publishers had unknowingly published their works in Hindi. Few writers occasionally sell the translation rights for the same language to two separate publishers, according to representatives of learnt societies.

(ii) Failure to pay royalties to the author for the release of a new edition of a translated book constitutes the second category of infringement in the translation industry. This isn't the situation for learnt societies, either, as they pay for each new translation of a book independently.

(iii) The third kind of infringement happens when publishers prohibit a book for an extended length of time. On the one hand, publishing houses delay publishing the book after signing the translation deal, but they also forbid the author from publishing it with another publisher. Individual publishing houses are the ones that engage in this type of behavior the most.

6.1.2 *View of individual translators:*

According to the translator, the first kind of violation does not worry them. They just translate the book as requested by the publisher; therefore, publishers handle all copyright-related matters on their own. The majority of translation deals, according to the interview, were between the publisher and the translator; authors were not involved.

Approximately 34% of the translators stated that they encountered trouble paying fees to individual publishers, but that they were able to resolve those issues through dialogue. According to each translator, the publisher pays them a one-time lump sum as translation costs; they do not receive a separate royalty for each new edition of a translated book.



About 54% of translators reported having encountered a third type of infraction at least once throughout their employment, indicating that such incidents are prevalent.

6.2 The Translators' Knowledge of Copyright Issues:

The questionnaire's final item attempted to gauge translators' and others involved in translating Bengali novels' awareness of copyright. This part consisted of a total of six questions. While the last three questions require more in-depth information to be answered correctly, the first three were designed to assess general copyright understanding. Respondents had to select the correct response based on their best understanding of the three possibilities provided for each question. The first query concerned India's copyright length. Regretfully, almost 43% of translators gave incorrect answers, and 6% said they were unsure. Merely 51% of the participants selected the appropriate response, which is sixty years following the author's passing.

A creator or owner of a work is granted a number of additional rights under the Indian Copyright Act in addition to the "right to copy," including the "right to translate," "right to adopt," "right to reproduce," "right to broadcast," "right to rent," and "right to broadcast," among others. Together, these rights are referred to as "neighboring rights." Although almost 57% of respondents could associate the term "neighboring right" with copyright, 11% of translators were surprisingly unfamiliar with it. Approximately 32% of those surveyed said they knew nothing about this. (Table No.1, Chart No. 1)

"Registration" is regarded as "prima-fascia" evidence in any court case. Surprisingly, the majority of individual translators are unaware of this fact; roughly 32% of respondents said that in order to obtain copyright, one must "include the copyright symbol in the book," while 22% said they have no idea about the subject. However, only 46% of respondents had chosen the "no formality is mandatory" option. As soon as a work is created, the creator is automatically granted copyright over it.

To properly address the fourth question, more specialized copyright knowledge is needed. Unfortunately, only a very small portion of respondents (11%) knew that the Indian Copyright Act had undergone its most recent amendment in 2012. whereas 37% say they don't know anything about it. Refer to Charts No. 1 and 2. Protecting. The majority of those surveyed had never heard of "copy left." People who are familiar with the term believe that the creator of a "copy left" work has given up all rights. About 42% of respondents said they had no idea what the term meant; roughly 50% had chosen the incorrect response, and only 8% had chosen the right one. The Indian copyright policy's creative common license clause is quite helpful. Surprisingly, 37% of respondents knew what this term meant and referred to it as "public copyright license," while 48% said they had no idea. Others gave incorrect answers. Refer to Chart No. 2.



Table no.1: Awareness of Copyright (Data presented in percentage)

Awareness of copyright among translators					Copy left meaning	Creative common license
??	Term of agreement	Neighboring right	copyright registration	Last amendment		
Not Correct	43%	11%	32%	52%	50%	15%
Correct	51%	57%	46%	11%	8%	37%
Don't know	6%	32%	22%	37%	42%	48%

Chart no.1: Awareness of Copyright (Data presented in percentage)

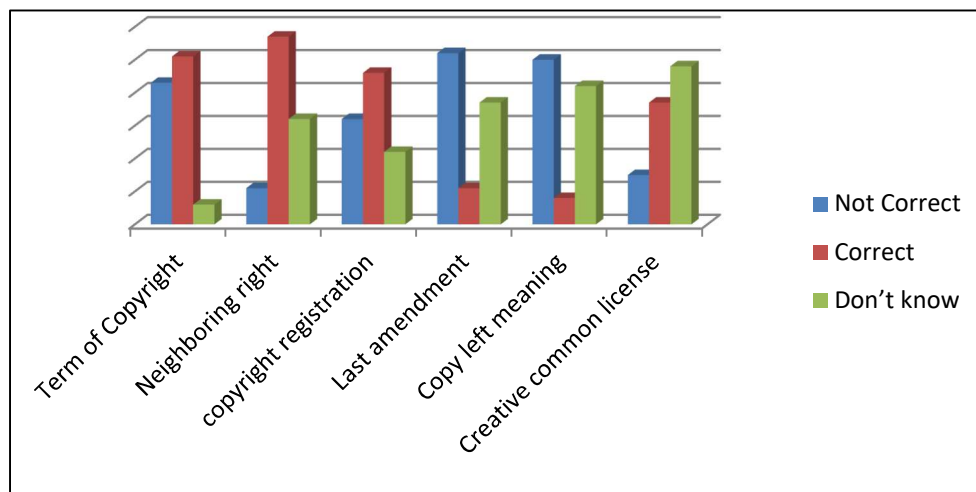
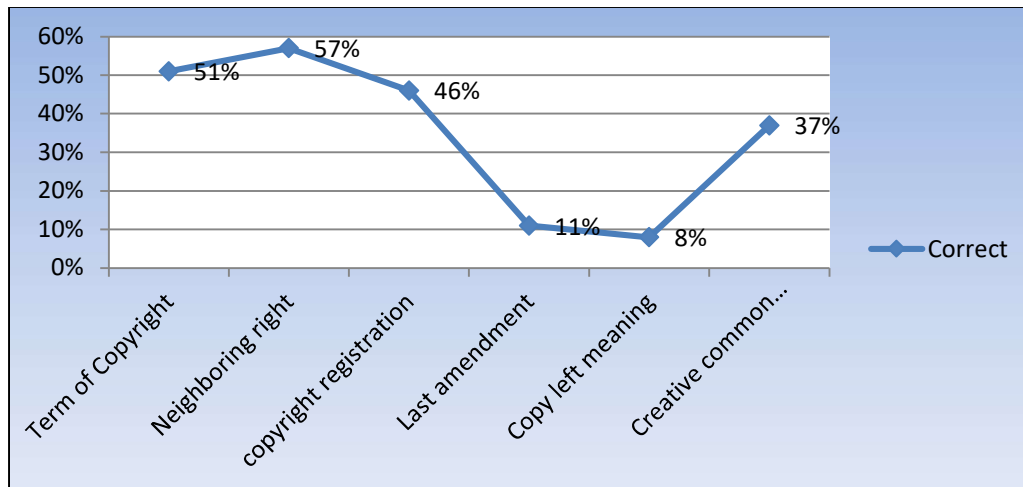


Chart no – 2: Awareness of Copyright (Data presented in percentage)



8. Findings:

In the Bengali book translation sector, notable differences exist between learned societies and publishing houses in their approach to agreements with translators. Learned societies consistently make written agreements, often involving the original authors as part of the



translation arrangement, whereas publishing houses rely on verbal negotiations and do not include authors in the process. Both entities typically offer translators a one-time lump-sum royalty payment, without any provision for per-copy royalties. While both learned societies and publishing houses reported no disputes over royalty payments and no need for legal consultation, individual translators expressed grievances regarding royalties specifically with publishing houses. Within this sector, three key types of copyright violations were identified: translating a book without the author's consent, denying royalties for subsequent editions of translated works, and publishers indefinitely blocking a book's release. Overall, copyright compliance in translation practices remains inadequate. Translators are generally only moderately aware of copyright issues, lack full awareness to effectively protect their rights, and tend to avoid legal or enforcement mechanisms.

9. Conclusion:

The key copyright stakeholders were translators. The author retains the right to translate their work at first, but they may give the translator that authority. An organization, a learnt society, or an individual may be granted the right to translate. The rights of translators are protected under the Indian Copyright Act. The translators must abide by the rules set forth by the law in order to appropriately exercise their right. The chapter has looked into various copyright violations and infringements that occur in the translation of Bengali books as well as the translators' awareness of these issues.

References:

- Basalamah, S., & Sadek, G. (2014). Copyright law and translation: Crossing epistemologies. *The Translator*, 20(3), 276–294. . <https://doi.org/10.1080/13556509.2014.931020>
- Chawla, A. (2013). *Law of copyright: Comparative perspective*. India: Lexis Nexis.
- Marakkar, S. (2024). Copyright protection of literary and artistic works in India: An overview of legal framework and enforcement mechanisms. *GLS Law Journal*, 6(1), 42–47. <https://doi.org/10.69974/gslawjournal.v6i1.126>
- Narayanan, P. (2010). *Law of copyright and industrial designs* (4th ed ed.). Kolkata: Eastern Law House.
- Vargová, D., Rihova, B., & Hrdlickova, L. (2023). Creativity and copyright law in the process of translation. *Journal of Linguistics*, 74(3), 829–841. <https://doi.org/10.2478/jazcas-2024-0021>
- Venuti, L. (1995). Translation, authorship, copyright. *The Translator*, 1(1), 1–24. <https://doi.org/10.1080/13556509.1995.10798947>
- Yalsharzeh, R., Monsefi, R., & Salmanpour, A. (2023). Translation and copyright: Iranian publishers' views on the results of non-compliance with the copyright law in Iran. *https://journal.translation Iranian Journal of Translation Studie*, 21(81), 75–100. . <https://journal.translationstudies.ir/ts/article/view/1031>