
UNIT 10 ACQUISITION AND EVALUATION

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10.0 AIMS

After studying this unit, you will be able to tell –

- the many channels through which manuscripts are or can be acquired by publishers;
- the role played by Editors in helping the publisher acquire manuscripts for publication;
- the great weight given to the assessment of a manuscript’s sales potential by the marketing team. For, a book not sold is worse than one not published. A lot of manhours of the publisher, his editors and his marketing team are used up in assessing a book’s potential, in its production and in the sales effort;
- the trial and error method;.
- alternative solutions;
- other risks in publishing; and
- why publishers are important.

10.1 INTRODUCTION

There are many channels through which a publisher acquires manuscripts for publication. As a rule, all publishers except beginners specialise in publishing particular kinds of books. The beginners are usually groping to find the field to specialise in.

In India the author usually sets his heart on writing a book on a particular subject.. He collects material and crafts the book.

Next he looks for a publisher His choice will fall on a publisher who publishes the kind of book he has written. He phones or writes to the publisher. If invited, he sends the manuscript.

This is evaluated with the help of the publisher's editor. The marketing team is consulted on how much of sales the book can garner. If the publisher decides that the book is saleable, he sends the contract form to the author. The book is on the way.

Once in a while an author pens a book to fulfil a market need but has a publisher in mind. But, unless the publisher's consent has been obtained, it is not a deal. The author has still to submit the manuscript to the publisher, who has the option of accepting or rejecting it. If the publisher does not approve of the subject or of the treatment, the author has to find another publisher.

10.1.1 Commissioning

Sometimes a publisher feels that the market is ready for a book on a particular subject. He may contact an expert and commission him to write it.

At other times an expert may get the feeling that a book in his field of experience or knowledge is needed. He may plant the idea in the mind of the publisher. If the publisher agrees, he may ask the expert to go ahead with the project. Or, he may agree with the idea but may choose another expert to do the job.

10.1.2 "Literary Agents"

In Europe and America, there has developed a cadre of "literary agents". They are freelancers specialising in evaluating the merit and saleability of literary works, mainly fiction. They keep in touch with publishers who take on such publishing.

All that an author of fiction has to do is to contact a literary agent of proven merit. If the agent's evaluation shows that the manuscript is salrable, he "places" it with a suitable publisher. He earns a fee for his services.

10.2 TRIAL AND ERROR METHOD

There is no foolproof method of acquisition of manuscripts. Each of the methods has pitfalls.

The publisher may make a mistake in assessing market needs or make a mistake in evaluating the manuscript.

10.2.1 Assessing Market Needs

Assessing what the market needs is a complicated process. Many people take part in it.

The marketing expert has a major say in assessing market needs. Some empirical data may go into his assessment, some part may be played by gut feeling. But ultimately it is a subjective opinion. It is only an assessment and not something that can be supported by data.

The expert may be swayed by the brisk sale of another publisher book on the same subject. However, it is not always true that just because one book on the subject is doing well, another one will also sell.

It is possible that the second book may turn out to be what brand managers call a “me too” product. It may end up as a distant second or even a non-starter. It may equally sell well as assessed by the marketing man.

Activity 1

What is a “me too” product? Find out from your public relations (PR) colleague or your local counsellor if you do not know already and write two sentences about it.

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(Answer in the space provided. Model answer at the end of the unit.)

10.2.2 Evaluating a Manuscript

Here the evaluation of the manuscript comes in. This is a job done primarily by the editor. The publisher depends heavily on him. In a case where there is already a book on the subject or if there is scope for a doubt about the viability of the book, it is quite likely that outside experts are asked to give a second opinion.

There are cases in which the opinion of outside experts has proved valuable. In 2003 a frontline publisher based in Delhi, was presented a manuscript on **Prevention of Terrorism Act (POTA)** which had just been passed to replace an earlier ordinance. This law was the brainchild of the BJP-led NDA Government.

The author, a journalist, had compared POTA with the earlier Terrorism and Disruptive Activities (Prevention) Act or TADA passed at the initiative of an earlier Congress Government. He had then drawn conclusions on how citizens could stay safe from the new law.

The publisher was at first skeptical about the viability of the book on two counts. First, how could a journalist write with authority on such a specialised subject as an anti-terrorism law? Second, he was not a law publisher, and this was a work that had better be published by a specialist publisher of law books.

The author writes in his *Acknowledgements* that he had already consulted law publishers. Their stand was that there was not enough law in the manuscript. Now here was a prominent non-law publisher who was saying there was too much law in it!

The dilemma was made deeper by the fact that foremost criminal lawyer and a public figure who had been a member of the NDA Cabinet, had written the Foreword. He had supported the author’s stand and recommended the book.

The author’s *Acknowledgements* adds: “One month later, he (the publisher) telephoned to say ‘I have read it and consulted people and we’re publishing it’”.

Activity 2

Under what circumstances does the publisher seek the opinion of an outside expert on publishing a manuscript? Cite an example.

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(Answer in the space provided. Model answer at the end of this unit.)

10.2.3 Errors in Assessment and Evaluation

The trial and error method applies to both assessment of the market potential and evaluation of the manuscript. We have seen how the assessment of the market potential is not completely based on data. It is only an assessment in which experience and gut feeling also take part. Like other assessments, it may go wrong.

The evaluation of a book's appeal to readers is also not wholly objective. It is only an estimate by a third party of how readers will react to the treatment and text presented by the author.

This estimate is not based on responses collected from prospective readers. It is usually based on how the estimator *thinks* the potential readers will respond. True, he usually has years of experience of reader thinking, but experience is not a perfect substitute for data.

In some cases, as we have seen in the example above, the opinion of outside experts is sought. Such experts have the advantage that they are not privy to or influenced by the state and requirements of the publisher's business.

Yet, experts of all hues, whether in-house editors or outsiders, are only trying to read the reader's mind. But reading the mind is not an exact science. How does the publisher get over this problem?

10.3 PEOPLE WHO MAKE "ASSESSMENT" AND "EVALUATION"

The terms "marketing expert" and "editor" have been used in the collective sense so far. The fact is that in major publishing houses there is a whole marketing team and a number of persons who act as editor.

The smaller publishers cannot afford an elaborate paraphernalia. One or two men may be doing the whole or the bulk of the job. In still smaller units, and frequently in even bigger units, the publisher evaluates, unaided, most of the manuscripts.

While details of the sales organisation and the editorial functioning of publishing houses will be given elsewhere some clarifications of the terms "marketing expert" and "editor" are given here.

The typical mid-size publisher has distributors in different territories. A territory like Delhi and its many suburbs with substantial book sales usually has one distributor. There are, then, areas with sparse sales of the kind of books produced by a publisher. Two or more of them can be clubbed together to be fed by a single centrally located distributor..

The *Gyan Books-Kalpaz Publications* conglomerate, which has published the book *Communication as a Management Tool*, says it has 100 distributors in different distribution territories all over the country. This conglomerate is a relatively large outfit and flaunts a large list of books produced by it.

It gives a 50 per cent discount to its distributors and a two-year credit. That is, it sends copies of books to the distributors on credit. The distributor sends these books to bookshops based on each shop's capacity to sell.

The bookshops get a commission (also called discount) from the 50% discount the distributor gets. The distributor's job is to send books to bookshops and collect the sale proceeds. At the end of two years, the distributor has to send the sale proceeds (less his own 50% discount) to the publisher.

Thus the publisher gets half the cover price of each book. That is, if the book is priced at Rs 600, the publisher's share is Rs 300. The remaining Rs 300 covers the discount earned by the distributor, out of which he has paid the commission of the bookseller.

Out of his Rs 300 share of the sale proceeds, the publisher pays the 10% royalty contracted to the author. The 10% royalty is calculated on the cover price of the book (that is, Rs 60 for a book priced at Rs 600). It is paid every year on the number of copies sold (and not on the number published).

Activity 3

Describe the functioning of the distributor of a publisher. Can you give an example?

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(Answer in the space provided. Model answer at the end of the unit.)

10.3.1 "The Editor" May Be One or More

In major publishing houses there is usually a knowledgeable and experienced person who acts as general editor. He may usually advise the publisher about the worth of most manuscripts. In case a manuscript needs scrutiny by an expert on the subject, it may be referred to a professional in the field for his opinion.

If the publishing house routinely produces books on many subjects, for instance current political developments and the quota debate for OBCs, it may have one editor for each segment. Also, one or more persons may be employed for detailed editing of manuscripts. They do the work that sub-editors do in newspapers.

It is common for large commercial organisations (like the Food Corporation, Indian Oil etc) to retain the services of qualified doctors, lawyers, etc, to render services on a retainer. They may be paid a fixed sum at fixed periods for being available when needed.

Publishers usually do not pay a retainer. This is because cases in which the expert's services are required are not frequent. When an expert's opinion is required, he may be paid an ad hoc sum by mutual agreement.

10.4 PUBLISHER'S DILEMMA

In all situations it is the publisher's call to decide. Whether the marketing man has said the sales potential of a book is bright or dim, whether the recommendation is accepted or not, the winner or loser will be the publisher.

The man who made the recommendation will surely cite various reasons in support. The Editor who supports or opposes the publication of a manuscript will also cite his reasons. The impact will not be on those who make the recommendation. It will be on the publisher.

The publisher's dilemma is this. He has chosen publishing as a vocation. His bread and butter and professional satisfaction come from this.

He cannot always choose the safe option. The safest way will be not to publish anything because he doesn't suffer a loss if he doesn't publish..

The publisher's problem is that risk-taking is part of his trade. Every time he has to decide for or against publishing a title, an element of risk is involved. What he does is to balance the promise of profit against the risk of a loss. If the balance is in favour of publishing, he does so, but always keepig the possibility of a loss in his calculations.

A loss is not the only risk the publisher faces. An American scholar came to Pune and consulted the famed collection of Oriental material at the Bhandarkar Institute. He was looking for material on Shivaji's life and activities.

He found enough material and based on his findings wrote a research-based book. It so happens that Pune has organisations and individuals who do not want to hear anything denigratory of the great Maratha ruler. They heard of some uncomplimentary references about Shivaji in the book. They vandalised the Institute's invaluable library.

Worse was to follow. A petition was moved in a Pune court to try the American researcher for a criminal offence. The court issued a warrant for his arrest. The researcher became a fugitive from justice!

The court luckily could not do anything against the publisher since he was outside its jurisdiction The State Government was, however, moved to ban the book, citing a fear of the breach of the law.

Activity 4

Describe two restraints the fundamental rights under Article 19 of the Constitution put on the publisher.

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(Answer in the space provided. Model answer at the end of the unit)

10.5 ALTERNATIVE SOLUTIONS

Publishers have to devise solutions to the problem what to publish and what to shun. The Mumbai lunchtime daily *Mid-Day* publishes an edition from Noida, which is a suburb of Delhi. Its Resident Editor, Vitusha Oberoi, in 2007 investigated a case in which a former judge of the Supreme Court was supposed to have committed an impropriety while still sitting on a bench of the court.

Her report published in the paper said investigations showed there was substance in the allegations. A contempt of court case was lodged against her and a warrant of arrest issued.

It is common in such cases for the person arraigned to submit an apology saying the intention was not to commit contempt. It was only to publish the findings of the reporter. Regret is expressed if it could be construed as amounting to contempt of court. Such cases often end with such an apology.

Vitusha Oberoi and her paper consulted lawyers. Then she decided to refuse to apologise or express regret. She stood by the report published in the paper.

Consequently the arrest warrant was executed and she went to jail. Simultaneously a petition for bail pending trial was moved. The court granted bail and she is now out and doing her job as Resident Editor. The contempt case against her stands and will be argued in court when it comes up.

Another landmark contempt case happened in the 1950s. In this case the Bombay weekly *Blitz* published something which the Uttar Pradesh (U.P.) legislature thought amounted to contempt of it.

The weekly's Editor, RK Karanjia (late) was out of the country and the Acting Editor was Homi Dinshaw Mistry. On orders of the U.P. legislature, a posse of the U.P. police arrested Mistry and brought him to Lucknow. He was lodged in Carlton Hotel which was declared a deemed prison.

By the time the case came up before the U.P. legislature, Karanjia had returned to India, When Mistry was produced for trial, he was asked why he had committed contempt of the legislature.

His reply was that he was not Homi Dinshaw Mistry and he had not committed contempt of the house. The house found it impossible to prove his identity, On the other hand the man arraigned was able to prove he was not Homi Dinshaw Mistry. He had to be released.

It so happened that Homi Dinshaw Mistry had an identical twin living in Mumbai. Either the posse of police had arrested the wrong Mistry, or the twin brother had somehow been smuggled in and the arrested man smuggled out of the deemed prison. It never became clear.

The case is now a forgotten chapter of contempt of legislature cases. The publisher of *Blitz* never came to be punished for the supposed offence.

10.6 OTHER RISKS IN PUBLISHING

The two cited above are cases of contempt. There are additionally a whole lot of laws which the publisher has to abide by.

The freedom of speech and expression guaranteed in Article 19 of the Constitution is not absolute. There are a lot of exceptions.

Legal theory states that everyone has the freedom to wave his arm, but this freedom is confined to the space where his neighbour's arm begins. Similarly, the freedom of speech and expression is confined to the space where others' freedom begins.

Under this theory, offences like defamation and libel are covered. Everyone is entitled to a clean reputation. Every bit of speech or expression that curtails this freedom is disallowed. A suspect in a murder case cannot be called a murderer. He becomes one only when he is convicted.

Even here there is a fine distinction. True, a man ceases to be a mere suspect when he is convicted. Yet the right to appeal is guaranteed as provided by law. So a man who has appealed against conviction for murder cannot be called a murderer. This applies so long as the time allowed for him to appeal has not expired. The following examples amplify this distinction. John is convicted of murder but has appealed. Here are two ways of describing him:

Wrong: "John the murderer was produced in court."

Right: "John, who was convicted of murder but has appealed, was produced in court."

The simple assumption will be that it applies to authors. But it applies more stringently to the publisher. For, the author (like everyone else) has the right to write or say anything in private (for instance in his private diary). It becomes an offence only when it is published.

In contrast, the mere act of publication saddles the publisher with responsibility. For, publication brings the author's assertion in the public domain. The author is not guilty for the mere act of writing, he becomes guilty when the offending passage is published. The publisher becomes guilty as soon he has performed his job of publishing it.

10.7 INGENIOUS WAYS OF PUBLISHERS

Despite the many risks involved, including court cases and violence/vandalism by offended persons and groups, publishers devise ingenious ways to function. While some may fall by the wayside, those who stick it out are able to make a living. A few are even affluent.

Some publishers are known to take the stand that a first-time author should be satisfied with a book in his name. He should not expect a royalty. This particularly applies to enthusiastic students and researchers who are thirsting to flaunt their book before friends and family.

There is a larger group of publishers who give a different treatment to textbooks and other books. If it is prescribed as a textbook, a 10% royalty is promised in the author's contract.

For non-textbooks there is stepmotherly treatment. A hefty percentage (usually 40%) is deducted from the cover price. Royalty is calculated on the remnant of the cover price.

Thus, if a book is priced at Rs 600, royalty is calculated on Rs 600 minus forty per cent, that is Rs 360. So the author gets royalty of thirty-six rupees per copy sold instead of sixty rupees. It is a substantial loss of twenty-four rupees per copy. If 1,000 copies are sold, the loss will be a hefty Rs 24,000.

The problem of the prospective author is that no book can be prescribed at the manuscript stage. Only books already published can be considered for prescription as a textbook. So all first-time authors are destined to get a truncated royalty.

There are still other publishers who have invented the device of “royalty-free” copies. This is mentioned not before the contract. All details of the deal are settled through discussions. Then the contract stage comes.

The publisher now produces a printed contract form. In it is stated as the fifth or sixth of the terms of the agreement that the first 200 copies of the book will be royalty-free.

By that time the author has submitted the full manuscript. He may have modified it on the publisher’s suggestion “in the interests of saleability.” He is mentally prepared to see in print the book on which he has laboured for months, perhaps years.

10.8 WHY PUBLISHERS ARE IMPORTANT

Despite such practices by some publishers, authors still need them. For, if there were no publishers most authors would remain unpublished.

Most authors do not have the money to sink into an enterprise that would yield a return, if it at all does, after years. Secondly, hardly any author has the distribution and marketing system to reach his book to the reader who is the ultimate consumer.

Publishers, on the other hand, have both the financial muscle and the marketing infrastructure. Pricing is their secret weapon. They price the book in such a way that the sale of the first 200 to 300 copies yields all the money invested. Any yield after that is profit.

Now we know why some publishers insist on the first 200 copies sold being “royalty-free”. Some others pay no royalty to first-time authors. Still others truncate royalty by paying it on only 60% of the book’s cover price. The idea is to recover the investment as quickly as possible. This would avert the possibility of a loss, which is the biggest risk the publisher faces.

It is true that both authors and publishers need each other. But the author’s need is much greater. First, publishers specialise in particular fields. If one writes a novel, any publisher is not good enough. It must be one who publishes fiction. And publishers of fiction can be counted on one finger.

Secondly, authors come a dime a dozen. It is true that only some of them are publishable. But it is also true that everyone who can read or write feels he can be an author. It is human nature.

Publishers are, therefore, a necessary cog in the chain of human creativity. The disappointed among us may feel that they are an evil. But, even if an evil, they are necessary.

We have seen earlier in this unit how an author found that the law publishers rejected his POTA-TADA narrative since there was too little law in it and how a non-law publisher found too much law in it.

The situation was saved only because, first, it had a Foreword written by an eminent Lawyer and, second, the publisher had the common sense to consult an expert who strongly recommended it. Had this not been so his manuscript would have died unpublished. That is how crucial publishers are.

Activity 5

Describe in three sentences each –

- A. Why publishers are vital for authors.
- B. Why authors are important for publishers.

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(Answer in the space provided. Model answer at the end of the unit.)

10.9 SUMMING UP

There are many ways of acquiring a manuscript. Usually an author crafts a manuscript and then looks for a suitable publisher. But sometimes the publisher senses a market need and then commissions a suitable expert to write to fulfil that need.

Having been identified as suitable, the manuscript undergoes two rigorous scans. The marketing expert tries to estimate whether the market needs it. Secondly, the editor evaluates to find out if it will fulfil the market need. Sometimes, if the publisher has a doubt about the assessment of the marketing expert and/or the evaluation of the editor, he seeks the opinion of an expert in the field.

Despite these rigorous scans, the publisher faces several risks. The most serious of them is the risk of a loss. Has the marketing expert read the market need aright? Has the editor (or the expert consulted) evaluated the manuscript correctly?

There are other risks also. First, there are persons and/or groups in the market who may take offence, within or outside the law, at what is published. Others may object to particular passages or illustrations in the text. They may go to the authorities or to court seeking a ban. Or they may take to vandalism and/or violence.

There are, then, risks emanating from the law of the land. The Constitution guarantees some rights as fundamental. They must not be violated by the published text or any part of it. There are laws and/or norms about obscenity and decency. They must be followed.

Apart from laws and norms, there are unwritten norms which dictate that contempt of certain august constitutional entities like legislatures is not allowed. It is for these constitutional entities to decide whether contempt has been committed. If it is decided that there is contempt, it is entirely the discretion of these entities to prescribe and inflict punishment.

Publishers have over time devised ways to avoid or escape punishment. Some of them may seem unfair, especially to authors. But society, and especially authors, need publishers as much as publishers need authors. In fact, authors need publishers more than publishers need authors. The publisher is a necessary and inescapable cog in the chain of human creativity.

1. A "me too" product is one which is of the same kind as one existing in the market. It may amount to an imitation.
2. A POTA-TADA manuscript giving details of these laws and alerting readers on how to stay safe from them had the publisher undecided whether to publish it. He therefore consulted experts who advised him to go for it.
3. The distributor gets copies of a book on credit from the publisher. His job is to distribute copies on a commission basis to booksellers according to their capacity to sell. He then collects the sale proceeds and remits them to the publisher less his discount. An example is *Gyan Books-Kalpaz Publications*, a publishing conglomerate which says it has 100 distributors all over India..
4. Two fundamental rights which put restraints on publishers are the right to speech and expression and the right to go and live in any part of India.
5. A. Publishers enable authors to get published. Authors as a rule do not have the resources to get their work published. Also, the publisher gives the author a readymade marketing network.
B. Authors are important because if they were not there it would be impossible to get anything to publish. Publishing is their source of livelihood. They would have to look for some other trade if there were no publishing.