

Request - 116

From,
Maharani Din,
Deputy Registrar
High Court of Judicature at
Allahabad

To,
The District Judge
Jaunpur.

81

No. 15902 / IV-3018 / Adnin (A) / Dated 10-10-2012

Subject: - Grant of permission to Sri Mridul Kumar Mishra, the then Additional Civil Judge (Senior Division), Kanpur Nagar, presently posted at Jaunpur to get publish book written by him relating to " उत्तर प्रदेश शहरी भवन {(किराये पर देने, किराये तथा बेदखली का विनियमन) अधिनियम 1972 } सैद्धान्तिक एवं व्यवहारिक समस्यायें तथा उपचार"

Sir,

With reference to endt. no. 1177 / I dated 24.06.2011 of the District Judge, Kanpur Nagar on the above subject, I am directed to say that the Court has been pleased to grant permission to Sri Mridul Kumar Mishra, Additional Civil Judge (Senior Division), Jaunpur to get publish book written by him relating to " उत्तर प्रदेश शहरी भवन {(किराये पर देने, किराये तथा बेदखली का विनियमन) अधिनियम 1972 } सैद्धान्तिक एवं व्यवहारिक समस्यायें तथा उपचार", as requested, subject to the conditions laid down in O.M./ G.O. No. O-3143/ II-B-1968, dated 11.10.1968, as reproduce below: -

- (1) The book does not bear the imprimatur of Government
- (2) The author's name appears on the first page of the book without his official designation. There may however, be no objection to the official designation to be given on the dust cover where the author is introduced to the public.
- (3) The author gives a statement under his name on the first page of the book or at any other suitable place, that the author's views and comments in the book are entirely the responsibility of the author and Government are in no way concerned with the publication of the book.
- (4) The author should also ensure that the; book does not contain any statement of fact or opinion which has any adverse criticism of any current or recent policy or action of the State Government or Central Government or Government of any other state or local authority.
- (5) Government servants can be permitted to accept royalty both in lump sum or on a continuing basis on the sale proceeds of the book written by them, proceeds of the book written by them, provided that if:-

(a) (i) the book is written solely with the aid of the knowledge acquired in the course of service; or.

...contd...2..

D.R.(M)
Order of
Honble Jc
A.C.J. is
placed below
May leave?
06.10.12
08.10.12
6.10.12
AR

request-116

(ii) the book is a mere compilation of Government rules, regulations or procedures; the author should be required, unless the Governor, by the special order, otherwise directs, to credit to the general revenues one-third of the income if it is in excess of Rs.250.00 or if the income is a recurring one, it is in excess of Rs.250.00 per annum.

(b) (i) the book is written with the aid of knowledge acquired by the Government servant in the course of his service, but is not a mere compilation of Government rules, regulations or procedure, but reveals the author's scholarly study of the subject; or

(ii) the work neither has nor is likely to have any connection with the author's official position; no part of the income recurring or un recurring derived by him from the sale proceeds or royalties of the book need be credited to the general revenues.

Sri Mishra may therefore kindly be informed accordingly.

Yours faithfully
Maharandi
SH/12
Deputy Registrar

82

No. 15903 / IV- 3018 / Admin (A) / Dated 10-10-2012

Copy forwarded for information and necessary action to Sri Mridul Kumar Mishra, Additional Civil Judge (Senior Division), Jaunpur.

Maharandi
SH/12
Deputy Registrar

Request - 116

977

264

Hon'ble the Chief Justice

This file relates to the letter of Sri Tej Bahadur Singh, Additional Principal Judge, Family Court, Allahabad regarding grant of permission to get published Law Books written by him.

1. संविधियों का निर्वचन एवं विधायन
2. सेवा विधि
3. लीगल लैंग्वेज
4. सूचना अधिकार अधिनियम एवं मानवाधिकार

On his earlier applications dated 19.08.200 and 29.11.2006, he was asked to furnish the script of the aforesaid books vide order of the Registrar General dated 20.01.2007. Therefore Sri Tej Babadur Singh, in reply vide letter dated 07.02.2007 has submitted that:

1. Books are written with hard work.
2. Books are huge in size and thus it is difficult to send the original script.
3. Under the provisions of G.O. No. O-3142-2-B/1968 dated 11.12.1968, he declares that:

(i) The books will not bear the imprimatur of Government.

(ii) His name will be there on the first page of the books but his official designation will not be there on the books.

(iii) The views and comments in the books are entirely the responsibility of the author.

(iv) Books does not contain any statement of fact or opinion which has any adverse criticism of any current or recent policy or action of the State Government or Central Government or Government of any other state or local authority.

Sri Tej Bahadur Singh has also mentioned in this matter that earlier he had been granted permission to get published two law books vide confidential letter no. 568/19A/4(J)/1991 dated 17.07.1991 of Lucknow Bench of the Court, for which he was not asked to send original scripts.

As per the office note, such permission to the Government Servant may be granted subject to the conditions laid down in G.O. No. O-3143/II-B-1968, dated 11.12.1968. The conditions mentioned in the said G. O. are as under:

1. The book does not bear the imprimatur of Government.
2. The author's name appears on the first page of the book without the official designation. There may however, be no objection to the official designation to be given on the dust cover where the author is introduced to the public.
3. The author gives a statement under his name on the first page of the book or at any other suitable place, that the author's views and comments in the book are entirely the responsibility of the author and Government are in no way concerned with the publication of the book.

Singh

Revised - 116

4. The author should also ensure that the; book does not contain any statement of fact or opinion which has any adverse criticism of any current or recent policy or action of the State Government or Central Government of any other state or local authority.
5. Government servants can be permitted to accept royalty both in lump sum or on a continuing basis on the sale proceeds of the book written by them, proceeds of the book written by them, provided that if:-
 - (a) (i) the book is written solely with the aid of the knowledge acquired in the course of service; or
 - (ii) the book is a mere compilation of Government rules, regulations or procedures; the author should be required, unless the Governor, by the special order, otherwise directs, to credit to the general revenues one-third of the income if it is in excess of Rs. 250.00 or if the income is a recurring one, it is in excess of Rs. 250.00 per annum.
 - (b) (i) the book is written with the aid of knowledge acquired by the Government servant in the course of his service, but is not a mere compilation of Government rules, regulations or procedure, but reveals the author's scholarly study of the subject; or
 - (ii) the work neither has nor is likely to have any connection with the author's official position; no part of the income recurring or un recurring derived by him from the sale proceeds or royalties of the book need be credited to the general revenues.

The office has reported that all the conditions mentioned in the aforesaid G. O. have been complied with and there is no violation of any of the conditions of the aforesaid G. O. Since the matter of acceptance of the request of the officer to get his law books published is the discretion of the Court, therefore, if approved, the permission may be granted.

Report is submitted for kind perusal and order.

[Signature]
10.9.07

(S.V.S. Rathore)
Officer-On-Special-Duty
High Court, Allahabad.

[Signature]
Registrar (B)
[Signature]
R.G.
3-10-07

C.T.
2/10/07
A.R.(M)
[Signature]
Reg(B)
3/10/07

[Signature]
10/9/07

S.O Admin A-4
[Signature]
AR

1.10.07

A-RJ
[Signature]
4-10-07

2213
915
D.R.(M)

May kindly see the letter dated 24.06.2011 at flag 'A-3', received from Sri Mridul Kumar Mishra, Additional Civil Judge (Senior Division), Kanpur Nagar, regarding grant of permission to get publish a book written by him relating to " उत्तर प्रदेश शहरी भवन (किराये पर देने, किराये तथा बेदखली का विनियमन) अधिनियम 1972 ".

In this connection it is submitted that earlier vide letter dated 10.06.2010 at flag 'A', Sri Mishra had stated that he has written a book relating to " उत्तर प्रदेश शहरी भवन (किराये पर देने, किराये तथा बेदखली का विनियमन) अधिनियम 1972 " and wants to get it published. He had, therefore, requested that his application may be placed before the Hon'ble Court for grant of necessary permission for the same. On receipt of his said letter, an office note dated 27.09.2010 (flag 'X') had been submitted mentioning that such type permission to a Government servant may be accorded subject to the conditions laid down in O.M./ G.O. No. O-3143/ II-B-1968, dated 11.10.1968 (flag 'B') as reproduced below: -

- (1) The book does not bear the imprimatur of Government
- (2) The author's name appears on the first page of the book without his official designation. There may however, be no objection to the official designation to be given on the dust cover where the author is introduced to the public.
- (3) The author gives a statement under his name on the first page of the book or at any other suitable place, that the author's views and comments in the book are entirely the responsibility of the author and Government are in no way concerned with the publication of the book.
- (4) The author should also ensure that the book does not contain any statement of fact or opinion which has any adverse criticism of any current or recent policy or action of the State Government or Central Government or Government of any other state or local authority.
- (5) Government servants can be permitted to accept royalty both in lump sum or on a continuing basis on the sale proceeds of the book written by them, proceeds of the book written by them, provided that if:-
 - (a) (i) the book is written solely with the aid of the knowledge acquired in the course of service; or
 - (ii) the book is a mere compilation of Government rules, regulations or procedures; the author should be required, unless the Governor, by the special order, otherwise directs, to credit to the general revenues one-third of the income if it is in excess of Rs.250.00 or if the income is a recurring one, it is in excess of Rs.250.00 per annum.
 - (b) (i) the book is written with the aid of knowledge acquired by the Government servant in the course of his service, but is not a mere compilation of Government rules, regulations or procedure, but reveals the author's scholarly study of the subject; or

Request -116

...contd..2...

(ii) the work neither has nor is likely to have any connection with the author's official position; no part of the income recurring or un recurring derived by him from the sale proceeds or royalties of the book need be credited to the general revenues.

It was submitted in the note that it appears to be proper that, a copy of the aforesaid O.M./ G.O. dated 11.12.1968 may be sent first to the officer with the request to clarify about the position of his request/ case as per conditions/ provisions of the O.M./ G.O. first, and as per approval dated 01.10.2010 of Ld. Registrar General, Court's letter dated 11.10.2010 (flag 'C') was sent to the District Judge, Kanpur Nagar asking the officer to clarify about the position of his request/ case for grant of permission to get published the book, as per conditions/ provisions of the O.M./ G.O. dated 11.10.1968.

In reply of Court's letter dated 11.10.2010, Sri Mishra through his letter dated 27.10.2010 (flag 'A-1') had submitted that :-

- (1) Name of his book written is " उत्तर प्रदेश शहरी भवन {किराये पर देने, किराये तथा बेदखली का विनियमन} अधिनियम 1972 } सैद्धान्तिक एवं व्यवहारिक समस्याएँ तथा उपचार", which is written in reference to Uttar Pradesh Act no. 13, 1972.
- (2) No commission base royalty is payable to him.
- (3) There is no imprimatur for the Government.
- (4) His designation has not been given at any place in the book.
- (5) There is no criticism of any work and policy of the State government or Central government or any Local Authority.
- (6) There is no violation of any provision of Government Servant Conduct Rules 1956.
- (7) There is a statement at a suitable place in the book, that his views and comments in the book are entirely the responsibility of him, and Government are in no way concerned with the publication of the book.

As in his letter dated 27.10.2010, Sri Mishra had stated that no commission base royalty is payable to him, vide Court's letter dated 18.02.2011 (flag 'D') it was again asked from the officer to clarify clearly about the conditions and payment of royalty, as well as to clarify as to whether he has earlier sought permission to writing the book, which he wants to get published.

Through his letter dated 28.02.2011 (flag 'A-2'), the officer had clarified that this is the first edition of his book, no earlier edition was published and he has requested for publication of first edition of the book. For the first edition of his book, no commission base or lump sum royalty is payable to him. By his another letter dated 24.06.2011 (flag 'A-3'), Sri Mishra has also stated that as per the provisions of G.O./ O.M. No. O-1143/ II-B-1968, dated 11.10.1968, those books which are wholly literary, artistic or scientific character, seeking permission for writing the same is not required and therefore he had

request -116

not requested for writing of the same book, only permission has been sought for publication of the same. But, if there is any requirement of the same, he has to say that no such permission was obtained and if there is any lapse he may kindly be pardoned.

It is further submitted that the case seems to be a considerable case as per declarations submitted by the officer under the provisions of the O.M./G.O. Dated 11.10.1968. In the past also, such type of permission was granted in the case of one Sri Tej Bahadur Singh. But, acceptance of the request of the officer for grant of permission to get published the book is on discretion of the Court.

May, therefore, if approved, the file be laid before Hon'ble the Chief Justice for his Lordship's kind perusal and orders?

Registrar (Budget)

Submitted for kind perusal & if approved by R.G. the file may kindly be laid before Hon'ble the C.J for his Lordship's kind perusal & orders.

Ok. Jain
15.09.11

D. R. (M)
15-9-11 A.R

M
19.9.11
D.R.(M)

D. R. (M)

A proper proposal should be placed before His Lordship. Hon'ble the Chief Justice, examine in the light whether a copy of the book can be asked from the officer.

But up with proposal

Me
30.9.2011
Regy (B)

A.R. (Admn A1)

1-7-11
D.R.(M)
01-10-11

A. 125
10-10-11

Request - 116

16
अंश
29/6/11

Serial
4-7-11
10.0 Encl

27-11

Register No.	12529
Serial No.	74

3
18/7/11
20-8-1

मृदुल कुमार मिश्रा
अपर सिविल जज(सी.डि.)
कक्ष संख्या 2 कानपुर नगर ।

966
29-6-11
सेवा में

डिप्टी रजिस्ट्रार,
माननीय उच्च न्यायालय,
इलाहाबाद ।

Recees L-116

द्वारा श्रीमान जनपद न्यायाधीश,
कानपुर नगर ।

सन्दर्भ: पत्र संख्या 9717 दिनांकित 3.6.2011 के सम्बन्ध में।
महोदय,

आपको सादर अवगत कराना है कि आपके उपरोक्त पत्रांक के द्वारा मुझसे यह जानकारी चाही गयी है कि क्या मैंने सम्बन्धित पुस्तक के लिखने हेतु अनुमति चाही गयी है। इस सम्बन्ध में आपको अवगत कराना है कि जहाँ तक मेरी जानकारी है कि शाननादेश संख्या ओ.एम.-3143-11बी 1968 दिनांकित 11.10.1968 के अनुसार ऐसी पुस्तकें जो कि पूर्णतया साहित्यिक, कलात्मक एवं वैज्ञानिक हो उनके लिखने की अनुमति अपेक्षित नहीं है इसलिये मेरे द्वारा उक्त पुस्तक को लिखने के पूर्व कोई भी अनुमति नहीं चाही गयी थी मात्र प्रकाशन हेतु अनुमति चाही गयी है परन्तु यदि लिखने के लिये भी अनुमति अपेक्षित है तो आपको यह अवगत कराना है कि मेरे द्वारा ऐसी अनुमति प्राप्त नहीं की गयी है तथा ऐसा करने में मुझसे कोई त्रुटि हुई हो तो मैं उसके लिये क्षमा प्रार्थी हूँ।

2550
S.O. Adm H/A
2-7-11
DR (M)
2-7-11

सूचनार्थ सादर प्रेषित है ।

दिनांक 24.6.2011

DR (M)
[Signature]

भवदीय
[Signature]
24/06/11
(मृदुल कुमार मिश्रा)
अपर सिविल जज (सी.डि.)
कक्ष संख्या 2 कानपुर नगर

कार्यालय जनपद न्यायाधीश, कानपुर-नगर

1 JUL 2011
पत्रांक 1177 / I दिनांक जून 24 2011

डिप्टी रजिस्ट्रार, माननीय उच्च न्यायालय, इलाहाबाद को अग्रसारित ।

A. No.
23-8-11

[Signature]
जनपद न्यायाधीश
कानपुर नगर
District Judge
Kannpur-Nagar