

Request-116

D.R.(M)

May kindly see the office note dated 15.09.2011. ~~2011~~ (flag 'YY'), placed below, put up in the matter of 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 ".

On the office note dated 15.09.2011 (flag 'YY'), Ld. Registrar (Budget) ordered to give a proper proposal to be placed before Hon'ble The Chief Justice, and to examine in the light whether a copy of the book can be asked from the officer. In this context, It is submitted that it appears to be not very proper to ask for a copy of the book/ manuscript written by the officer, as such type of book/ manuscript seems to be a private and valuable thing of the writer which used to be saved for getting circulated, before its publication through a proper medium, and it may be possible that the officer hesitate to do so also in this case. In the similar case of Sri T.B. Singh, A.D.J. also, he had avoided such type of situation by saying that the book/ manuscript are huge in size.

It is further submitted that as per direction of the Ld. Registrar (Budget), note is to be submitted alongwith a proper proposal. Thus, it is again being submitted in comprehensive form 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

(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 समस्यायें 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-3143/ 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 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 if His Lordship approves, Sri Mridul Kumar Mishra, Additional Civil Judge (Senior Division), Kanpur Nagar be granted permission to get publish book written by him relating to " उत्तर प्रदेश शहरी भवन (किराये पर देने, किराये तथा बेदखली का विनियमन) अधिनियम 1972 ", as requested, subject to the conditions laid down in O.M./ G.O. No. O-3143/ II-B-1968, dated 11.10.1968?

Registrar (Budget)

In compliance with your goodself orders dtd 30.9.11 (placed below), regarding grant of permission to publish a book is " उत्तर प्रदेश शहरी भवन (किराये पर देने, किराये तथा बेदखली का विनियमन) अधिनियम 1972 " written by Sri Mridul Kr. Misra, Addl. Civil Judge (SD), Kanpur Nagar the submission of office have been enumerated above in detail 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 as proposed at 'A' above or pass other orders as his Lordship may deem fit & proper.

18.10.11

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