

Request-116

**Registrar General**

May, kindly peruse the office note dated 31.01.2012 (flag '4X'), placed below and the office note dated 18.10.2011 (flag '2X'). Sri Mridul Kumar Mishra Additional Civil Judge (Senior Division), Kanpur Nagar (presently posted at Jaunpur) has sought permission to get publish a book written by him relating to "बच्चन प्रयोग शास्त्री भवन (विद्यार्थे एव तेने कियारे तथा वेदखली का विनियमन) अधिनियम 1972 } सैद्धान्तिक एवं व्यवहारिक समस्यायें तथा उपचार".

Such type of 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 non-recurring derived by him from the sale proceeds or royalties of the book need be credited to the general revenues.

Sri Mishra through his letter dated 27.10.2010 (flag 'A-1') had already

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submitted his consent according to the G.O., 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 समस्याये 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.

Sri Mishra has also clarified through his letter dated 28.02.2011 (flag 'A-2') 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.

Under the facts, 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 that too without obtaining the manuscript of the book written by the officer (Copy of order of Hon'ble The Chief Justice dated 02.10.2007, passed in the matter of Sri T.B. Singh is placed at flag '5X'). However, acceptance of the request of the officer for grant of permission, in the instant case, to get published the book is on discretion of the Court.

Submitted for kind perusal and if approved, the file may be placed before Hon'ble the Chief Justice for his Lordship's kind perusal and if His Lordship approves, Sri Mridul Kumar Mishra, presently posted as Additional Civil Judge (Senior Division), Jaunpur may 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 } सैद्धान्तिक एवं व्यवहारिक समस्याये 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?

**Hon'ble the Chief Justice**

Submitted for kind perusal and approval as proposed at 'A' above.

Registrar (B)

R.G.  
1.10.12

Registrar General

S. Arora  
25/10/12

A' approved  
29.9.12  
S. Arora (A)  
2.10.12

25712  
Registrar (B)

DRM  
Registrar  
02/10/12