

D.R.(M)

May kindly see the letter at flag 'A' & 'A-1', received from Sri Humayun Rasheed Khan, Additional Chief Judicial Magistrate, Aligarh regarding grant of permission to get published his Ph.D. work entitled as "**Impact of Dispute Settlement Mechanism of WTO on Developing Countries**".

In his letter dated 03.03.2012 at flag 'A', Sri Khan has stated that with the kind permission of the Hon'ble Court, he has been awarded Ph.D. degree by A.M.U. Aligarh in the month of February 2012 and all the three respected examiners of his Ph.D. thesis have recommended his Ph.D. work for publication. He has also submitted a copy of Ph.D. degree (flag 'B'), assures the Hon'ble Court that the process of publication will not affect his judicial work and has requested for placing his application before the Court for permission in this regard.

On asking the position of his request/case for grant of permission to get his Ph.D. work, as per relevant O.M./ G.O. dated 11.10.1968 and to intimate about the topic/ subject of his Ph.D. work, as asked vide Court's letter dated 21.09.2012 (flag 'B'), Sri Khan, vide his instant letter dated 08.10.2012 (flag 'A-1') has submitted that the process of his Ph.D. work is strictly as per conditions/ provisions of the O.M./G.O dated 11.10.1968. It is indeed, a work of literary character and the topic of his Ph.D. thesis is "**Impact of Dispute Settlement Mechanism of WTO on Developing Countries**".

In this connection, it is submitted that such permission to a Government servant may be accorded subject to the conditions laid down in G.O. No. O-3143/ II-B-1968, dated 11.12.1968 (flag 'C') 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

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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.

It is further submitted that Sri Khan has also been permitted earlier to submit the same Ph.D. thesis in the Department of Law, A.M.U., Aligarh, as per order dated 9.12.2009 of Hon'ble The Chief Justice (order is at flag X'). Now, as his said thesis has been recommended for publication, his case may be considered, but, acceptance of the request of the officer to get published his Ph.D. work is on discretion of the Court.

Under the facts and circumstances, if approved, the file be laid before Hon'ble the Chief Justice for His Lordship's kind perusal and orders:-

1. to the effect that Sri Humayun Rasheed Khan, Additional Chief Judicial Magistrate, Aligarh be accorded permission to get published his Ph.D. work entitled as "**Impact of Dispute Settlement Mechanism of WTO on Developing Countries**", subject to the conditions of G.O. No. O-3143/ II-B-1968, dated 11.12.1968?

Or

2. to pass any such order which His Lordship so desires.

Registrar (Budget)

Submitted for kind perusal & if approved by R.G. the file may kindly be laid before Hon'ble the CJ for his Lordship's kind perusal & orders as proposed at 'A' or at 'B' above.

K. Jaiswal

05.11.12

PKS/KE/EF

06.11.12

AR  
6-11-12

AR  
5/11/12  
DR(M)

Ld R.G.

may kindly like to place it before Hon'ble the Chief Justice for kind perusal & approval of A or B

AR  
21.11.12

Registrar (B)

Hon'ble the Acting Chief Justice

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

Reg (B)

AR

R.G.  
6.12.12

AR  
5/12/12

Registrar General

S.O (Admin AU)

AR

DR(M)  
07-12-12

A.K.S.  
10-12-12  
AR

'A' is approved.  
through  
5/12/12

DR (M)

AR  
Rep (B)  
6.12.12