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Req-112

R-5152/15

1041 R162
08/01/15

D.R.(M)

May kindly see the letters dated at flag 'A' & 'A-1', received from Sri Humayun Rasheed Khan, Deputy Director, Judicial Training & Research, U.P., Lucknow regarding grant of permission to get publish his draft book entitled **"Quest for Fair Trial: An Indian Perspective"**.

In his earlier letter at flag 'A', Sri Khan had stated that he has written a book entitled **"Quest for Fair Trial: An Indian Perspective"**, which he wish to get published by LAMBERT Academic Publishing, Deutschland/ Germany. He had, therefore, requested for grant of permission to get his work published as a book. On receipt of his said letter, he had been asked vide Court's letter dated 23.03.2015 (flag 'X'), to clarify about the position of his request/ case for grant of permission to get publish his book, as per conditions/ provisions of the O.M./ G.O. No. O-3143/ 11-B-1968, dated 11.10.1968 as well as to intimate about details of royalty and other relevant details also.

In reply of Court's letter dated 23.03.2015, Sri Khan through his letter dated 31.03.2015 (flag 'A-1') has submitted that his draft book is strictly as per conditions/ provisions of the O.M. Dated 11.10.1968. The draft book is not a mere compilation of Government Rules, regulations or procedures but it is a work of literary character. He has further submitted that there is no agreement as to royalty with the publisher so far but if it is settled in future, he do undertake that it will be strictly in compliance with the Rule 15 of the U.P. Government Servants' Conduct Rules; 1956 as well as the O.M. no. 3143/11-B-1968 dated 11.10.1968.

It is submitted that such type permission to a Government servant is considered subject to the conditions laid down in O.M./ G.O. No. O-3143/ 11-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

Reg-112

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 is submitted that the case seems to be a considerable case as per declarations submitted by the officer to follow all the conditions/ provisions of the O.M./G.O. dated 11.10.1968. 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 kind perusal of His Lordship and approval that :-

1. Sri Humayun Rasheed Khan, Deputy Director, Judicial Training & Research, U.P., Lucknow be granted permission to get publish his draft book entitled "Quest for Fair Trial: An Indian Perspective" by LAMBERT Academic Publishing, Deutschland/ Germany, as requested, subject to the conditions laid down in O.M./ G.O. No. O-3143/ 11-B-1968, dated 11.10.1968?

or

2. to pass any order which His Lordship like to pass.

Handwritten signature
30.05.15
S.D.

Senior Registrar (Judicial)(Budget)

Submitted for kind perusal and if approved by Learned Registrar General the file may kindly be laid before Hon'ble the Chief Justice for His Lordship's kind perusal and orders as proposed at 1. Or 2. above.

Handwritten signature
2.6.15
D.R. (Misc.)

Registrar General

May if approved the file kindly be laid before Hon'ble the Chief Justice for his Lordship's kind perusal & orders as proposed at '1' Or '2' above.

Handwritten signature
08.6.15

Senior Registrar (Budget)

Hon'ble the Chief Justice *sr vocalis judge*

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

Handwritten signature
DR (M)
12-6-15

Handwritten signature
9.6.15
Registrar General

Sr. Reqr (B)

R.G.

DR (M)

Handwritten signature
R.G.
10.6.15

A

Handwritten signature
Appd.

Handwritten signature
Sr. Reqr (B)
11/6/15

Handwritten signature
Smt. Mumtaz
Acc-
15/6/15

Handwritten signature
10/6