

Registrar (J) (Budget)

May kindly see the application of Sri Durgesh, the then ADJ (FTC), Ghazipur presently posted as Special Judge, (E.C. Act), Ghazipur regarding grant of permission for publication of some fictional small stories by Madrake Publication, A6, BDA colony, Kohefiza, Bhopal.

In his application, Sri Durgesh has stated that he has written some fictional small stories and want to make them published. The name of the book is yet to be finalised. It shall be in Hindi. It is also submitted that the proposed book shall not bear any seal or mark of the Government Of Uttar Pradesh or Government Of India. It is also requested that he shall also obey the other conditions regarding the appearance of the author's name without the official designation and responsibility of the author in terms of views and comments. The proposed book is not at all concerned with the Government or its policy. It is also assured that the proposed book does not contain any statement of fact or opinion which has any adverse criticism of any policy or action of the State Government or Central Government or any other state or local authority.

He also undertakes to abide by the instructions contained in the O.M./ G.O no. O-3143/ II-B-1968 dated 11.10.1968 and his declaration to that effect is also attached along with his application. He has, therefore, requested to place his request before the Hon'ble Court for kind permission for publication of the above mentioned book.

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 11.10.1968, 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.*

It is further submitted that as Sri Durgesh has already submitted declaration that he will abide by the conditions laid down in the O.M./ G.O no. O-3143/ II-B-1968 dated 11.10.1968 & that the royalty will depend on the total sale of books on percentage basis. His case may be considered, but, acceptance of the request of the officer to get published the aforesaid book is on discretion of the Court.

Under the facts and circumstances, if approved, the file be laid before Hon'ble Mrs. Justice Sunita Agarwal, Senior Judge (J-1) as per order dated 23.04.2023 of Hon'ble The Chief Justice for the purpose, for Her Lordship's kind perusal and if Her Lordship approves, Sri Durgesh, Special Judge, (E.C. Act), Ghazipur be granted permission for publication of some fictional small stories by Madrake Publication, A6, BDA colony, Kohefiza, Bhopal., as requested, subject to the conditions of Govt. O.M. No. O-3143/ II-B-1968, dated 11.12.1968?

Or

to pass any such order which His Lordship so desires.

Munmun Narang S.O.

Meetu Verma A.R.

16.05.2023

Hon'ble Mrs. Justice Sunita Agarwal,
Senior Judge (J-1)

Submitted for kind perusal & order

Registrar (J) (Budget)