

Joint Registrar (Judicial) (Budget)

May kindly see the online application of Sri Vijay Kumar Katiyar, Deputy Director, Judicial Training & Research Institute, Lucknow regarding grant of permission for publication of his book titled "The Conceptual analysis of Suits Valuation Act, 1887 and Court Fees Act, 1870 with special reference to Uttar Pradesh" by a publisher namely "Notionpress" of Chennai, Tamilnadu.

In his application, Sri Vijay Kumar Katiyar has stated that he has written a book titled "The conceptual analysis of Suits Valuation Act, 1887 and Court Fees Act, 1870 with special reference to Uttar Pradesh" which he wishes to get published with Notionpress. He has also stated that his draft book is strictly as per conditions/provisions laid down in the G.O.M.No. 3143/II-B, Dated 11.10.1968. The draft book is not a mere compilation of Government Rules, Regulations, or procedures pertaining to suits valuation Act and Court fees Act, but it is a legal work of literary character as per the Rule 15 of UP Government Servant Conduct Rules, 1956 as well as G.O.M.No. 3143/II-B, Dated 11.10.1968. Furthermore, there is an Agreement dated 05.01.2022 executed with the publisher regarding royalty/ payments against book sales etc, which may be seen as "Attachment". He also undertakes that it would be strictly in compliance with Rule 15 of the U.P. Government Servant Conduct Rules, 1956 as well as G.O.M.No. 3143/II-B, Dated 11.10.1968. He has, therefore, requested to kindly place his application before the Hon'ble Court for its kind consideration and permission to get his draft published as a book.

In this connection, it is submitted that as per Hon'ble Court's order dated 31.01.2022, passed on earlier submitted office note dated 17.01.2022, Rule 15 of the Uttar Pradesh Government Servants Conduct Rules, 1956 has been quoted correctly in this note.

Rule 15. Private trade or employment- No Government servant shall, except with the previous sanction of the Government, engage directly or indirectly in any trade, business or undertake employment: Provided that a Government servant may, without such sanction undertake honorary work of a social or charitable nature or occasional work of a literary, artistic or scientific character, subject to the condition that his official duties do not thereby suffer and that he informs his Head of Department, and when he is himself the head of Department, the Government, within one month of his undertaking of such a work, but he shall not undertake, or shall discontinue, such work if so directed by the Government:

Provided further that in case a member of the family of a Government servant undertakes private trade or private employment, the information of such trade or employment shall be given to the Government by the Government servant.

It is also submitted that such permission to a Government servant may be accorded subject to the conditions laid down in G.O./O.M.No. 3143/ II-B-1968, dated 11.12.1968, The G.O is as under: -
RULE 15 of the Uttar Pradesh Government Servants Conduct Rules 1956 lays down that no Government servant shall, except with the previous sanction of the Government, engage directly or indirectly in any trade or business or undertake any employment. Permission of Government for writing and publishing books and accepting royalty therefore by Government servant is necessary under this rule. For sometime Government have had under consideration the question of revision of the criteria for the grant of such permission. It has now been decided that the permission to write and publish books and accept royalty therefore, in the case of publication of works other than those of purely literary, artistic or scientific character, will henceforth be granted on the following conditions:

- (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 give 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, 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 (Government servant) should be required, unless the Governor, by special order, otherwise directs to credit to the general revenues one-third of the income if it is in excess of Rs.250 or if the income is a recurring one, it is in excess of Rs.250 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 Vijay Kumar Katiyar has also undertaken that it would be strictly in compliance with Rule 15 of the U.P. Government Servant Conduct Rules, 1956 as well as G.O./OM.No. 3143/II-B, Dated 11.10.1968, his case appears to be considerable, but, acceptance of the request of the officer to get published the book is only at the discretion of the Hon'ble High Court.

Under the facts and circumstances, if approved, the matter may again be laid before Hon'ble Mr. Justice Pritinker Diwaker, Nominated Judge for the purpose, for His Lordship's kind perusal and if His Lordship approves, Sri Vijay Kumar Katiyar, Deputy Director, Judicial Training & Research Institute, Lucknow be granted permission for publication of his book titled titled "The Conceptual analysis of Suits Valuation Act, 1887 and Court Fees Act, 1870 with special reference to Uttar Pradesh" by publisher namely "Notionpress", as requested, subject to the conditions of G.O. No. O-3143/ II-B-1968, dated 11.12.1968?

Archana Awasthi, Review Officer,
Mohd. Arshad, Assistant Registrar,
Admin (A-4)
02.02.2022

**Hon'ble Mr. Justice Pritinker Diwaker,
Nominated Judge**

Submitted for kind perusal & order

Joint Registrar (Judicial) (Budget)