

I/c Joint Registrar (J) (Budget)

May kindly see the online application of Dr. Humayun Rasheed Khan, Additional Director (Research), Institute of Judicial Training & Research, Lucknow regarding grant of permission to get publish his draft book entitled 'Crime, Punishment and Due Sentence: Judicial Approach to Guilt in Criminal Justice.'

In his application, Dr. Humayun Rasheed Khan has stated that he has written a book entitled 'Crime, Punishment and Due Sentence: Judicial Approach to Guilt in Criminal Justice' which he wishes to get published. His book proposal is under consideration of two publishing houses. One is Thomson Reuters, Bandra Kurla Complex, Bandra East, Mumbai and the other one is Lexis Nexis, Cyber City, Gurgaon, Haryana. His draft book is strictly as per the conditions/provisions laid down in the Govt. O.M. No. 3143/II-B, Dated 11.10.1968 as per Rules 5 and 15 of UP Government Servant Conduct Rules, 1956. He has, therefore, requested that his application for permission may kindly be placed before the Hon'ble Court for kind consideration and permission.

In this connection, it is submitted that such permission to a Government servant may be accorded subject to the conditions laid down in Govt. O. M. No. O-3143/ II-B-1968, dated 11.12.1968, 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 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 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.*

In the matter, the officer has further submitted following required declarations:-

- (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.*
- (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) *The book is neither written solely with the aid of the knowledge acquired nor in the course*

of service, nor it is not a mere compilation of Government rules, regulations or procedures but reveals the authors literary work and scholarly study of the subject.

(6) The work neither has nor is likely to have any connection with the author's official position; no part of the income recurring or unrecurring 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 Dr. Humayun Rasheed Khan has already submitted declaration that he will abide by the conditions of Govt. O.M. no. O-3134/II-B-1968 dated 11.12.1968 of rule 15 of U.P. Govt. Servant's Conduct Rules 1956. However, the officer has not shown any details about the royalty may be for that reason that his proposal is under consideration until now. His case may be considered, but, acceptance of the request of the officer for publication of his book by Thomson Reuters, Bandra Kurla Complex, Bandra East, Mumbai or Lexis Nexis, Cyber City, Gurgaon, Haryana is on the 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, Dr. Humayun Rasheed Khan, Additional Director (Research), Institute of Judicial Training & Research, Lucknow be granted permission to get publish his draft book entitled 'Crime, Punishment and Due Sentence: Judicial Approach to Guilt in Criminal Justice, as requested, subject to the conditions of Govt. O.M. No. O-3143/ II-B-1968, dated 11.12.1968?

Munmun Narang S.O.

Meetu Verma A.R.

Hon'ble Mrs. Justice Sunita Agarwal,

Senior Judge (J-1)

Submitted for kind perusal & order

I/c Joint Registrar (J) (Budget)

