

I/c Joint Registrar (J) (Budget)

May kindly see the online application of Sri Aishwarya Pratap Singh, Additional Chief Judicial Magistrate (Railway), Aligarh regarding grant of permission for publication of article in national newspapers and/or journals.

In his application, the officer has applied permission for publication of Article in national news papers and/or journals. The article discusses the concept of Social Context Adjudication. The object of this article is to examine and emphasize the relevance of social context adjudication for trial courts and magistrates. "Social context" must not be ignored in adjudication, especially in an adversarial system where the judge is not an active participant of the judicial proceedings. India being unique in terms of diversity is also unique in terms of the inequalities prevalent in all systems: caste, religion, gender to name a few. It is in this context that "social context" judging or adjudication becomes all the more important. The draft article is attached for kind perusal and permission for publication in national newspapers and/or journals.

In this connection, it is submitted that such type of permission may be considered as per sub Rule (2) of Rule 6 of U.P. Government Servants' Conduct Rules 1956, titled Connection with press or radio, which is reproduced as below:-

"No Government servant shall, except with the previous sanction of the Government or any other authority empowered by it in this behalf, or in the bona fide discharge of his duties, participate in a radio broadcast or contribute any article or write any letter, either anonymously or in his own name or in the name of any other person, to any newspaper or periodical:

Provided that no such sanction shall be required if such broadcast or such contribution is of a purely literary, artistic or scientific character.

Here, it is also worth seeing the Rule 7 of U.P. Government Servants' Conduct Rules 1956, titled Criticism of Government, which is reproduced as below:-

"No Government servant shall, in any radio broadcast or in any document published anonymously or in his own name, or in the name of any other person, or in any communication to the press, or in any public utterance, make any statement of fact or opinion:

(i) which has the effect of any adverse criticism of any decision of his superior officers, or of any current or recent policy or action of the Uttar Pradesh Government or the Central Government or the Government of any other State or a local authority; or

(ii) which is capable of embarrassing the relation between the Uttar Pradesh Government and the Central Government or the Government of any other State, or

(iii) which is capable of embarrassing the relations between the Central Government and the Government of any foreign State:

Provided that nothing in this rule shall apply to any statement made or views expressed by a Government servant in his official capacity or in due performance of the duties assigned to him."

As such, if the application of the officer is considered, it may be considered subject to the conditions mentioned in Rule 7 of U.P. Government Servants' Conduct Rules 1956.

Under the facts and details mentioned above, if approved, the matter may be laid before Hon'ble Mr. Justice Pritinker Diwaker, Senior Judge (J-1), for His Lordship's kind perusal, and if His Lordship approves, Sri Aishwarya Pratap Singh, Additional Chief Judicial Magistrate (Railway), Aligarh may be granted permission for publication of his Article in national news papers and/or journal which discusses the concept of Social Context Adjudication, as requested, subject to the conditions, as defined in Rule 7 of U.P. Government Servants' Conduct Rules 1956, mentioned above?

Munmun Narang S.O.

Mohd. Arshad A.R.

18.11.2022

Hon'ble Mr. Justice Pritinker Diwaker,

Senior Judge (J-1)

Submitted for His Lordship's kind perusal and order?

I/c Joint Registrar(Judicial)(Budget)

21.11.2022

