

## CHAPTER IV

### AFFIDAVITS AND OATH COMMISSIONERS

**1. Appointment of Oath Commissioners :-** The Chief Justice may from time to time appoint such persons as he may consider fit to be Oath Commissioners specifying the period or periods for which they have been so appointed.

**2. Fees:-** Such fees shall be paid for the verification of affidavits before Oath Commissioners as may be prescribed from time to time by order of the Chief Justice.

**3. Register :-** Oath Commissioners shall maintain a register or registers which shall contain the following particulars with respect to each affidavit sworn before them, namely--

- (a) serial number;
- (b) date and time of making affidavit;
- (c) particulars of the case to which affidavit relates;
- (d) full particulars of person making the affidavit;
- (e) particular of the person identifying him;
- (f) fee paid;
- (g) name of Oath Commissioner before whom affidavit is sworn; and
- (h) signature of Oath Commissioner and remarks, if any

The Chief Justice may from time to time fix the number of registers to be maintained and add to or alter the particulars required to be entered therein.

The registers shall be open to inspection by the Register General.

**4. Affidavit to bear serial number, etc. :-** Each affidavit shall have recorded on it the number and the year of the register in which it is entered and the serial number and the date of the entry. <sup>1</sup>[It shall also have the coupon, as supplied by the Court, affixed to it by the Oath Commissioner :

Provided that the affidavit verified by the Oath Commissioners of other State <sup>2</sup>[by an Officer of Jail in the State of Uttar Pradesh], <sup>3</sup>[by the Superintendent-cum-Accountant of the Office of Official Liquidator High Court, Allahabad] <sup>4</sup>[and by the Police Sub-Inspector (M) in the office of the Inspector General of police at Lucknow] on whom powers of Oath Commissioner have been conferred can be presented before the Court without such coupons.]

**5. Duty of Oath Commissioner:-** An Oath Commissioner shall not allow an affidavit to be sworn before him unless it complies with the provisions of this Chapter.

**6. Distribution of fees:-** The fees paid shall be distributed among Oath Commissioners in such manner as the Chief Justice may from time to time direct.

<sup>1</sup> Added by Noti No. 109/VIII-C-177, dated February, 1974 published in U.P. Gazette, Part II, dated 20<sup>th</sup> April, 1974

<sup>2</sup> Ins by Noti No. 5/VIII-C-177, dated November 2, 1976 published in U.P. Gazette, Part II, dated December 4, 1977, p. 110.

<sup>3</sup> Ins by Noti No. 119/VIII-C-177, dated 22.2.1980 published in U.P. Gazette, Part II, dated September 9, 1980.

<sup>4</sup> Ins by Noti No. 322/VIII-C-2, dated 2<sup>nd</sup> May, 1984 published in U.P. Gazette, Part II, dated 27<sup>th</sup> October, 1984.

**7. Removal of Oath Commissioner:-** The Chief Justice may in his discretion remove an Oath Commissioner from his office.

**8. Affidavits filed or presented in Court:-** The provisions of Rules 5,6 and 11 of Chapter IX shall, so far as may be, apply to an affidavit filed or presented in Court. It shall be in the language of the Court and shall bear the general hearing:

"In the High Court of Judicature at Allahabad."

The affidavit and every exhibit annexed thereto shall be marked with the particulars of the case or proceeding in which it is sworn.

The affidavit shall contain no statement which is in the nature of an expression of opinion or argument.

**<sup>1</sup>9. Full Particulars of persons and places to be given.-**

(1) An affidavit, shall fully describe the person swearing it with such particulars as will ensure his clear identification such as his full name, his age, the name of his father, his rank or degree in life, his profession, calling, occupation or trade and his true place of residence. Any person or place referred to in an affidavit shall be fully described in such manner as to enable his or its identity to be clearly fixed. In addition to the full description of the person swearing the affidavit, the deponent will annex his /her passport size photograph alongwith the proof of his identity such as, driving licence, ration card, Kisan Bahi, identity card issued by Election Commission of India, passbook of any nationalized bank, passport, arms licence, PAN card issued by the Income-Tax Department, identity card issued by the Bar Council or other organisation or authority of which the person identifying belongs; or any other documentary identity proof recognised by the Election Commission of India for casting vote in the Parliamentary or Assembly Elections.

(2) The affidavit filed on behalf of the petitioner(s) shall mention the relationship, association or connection of the deponent with the person on whose behalf the same has been filed.

**10. Persons who may make affidavits. :-** Except as otherwise provided by law or by these Rules or by order of the Court, an affidavit may be sworn by any person having knowledge of the facts deposed to therein.

Two or more persons may join in an affidavit, each deposing separately to such facts as are within his knowledge.

**11. Form of affidavit :-** When the deponent speaks to any facts within his own knowledge, he must do so directly and positively, using the word "I affirm" or "I make oath and say" or words to that effect.

**12. Facts to be within the deponent's knowledge or source to be stated :-** Except on interlocutory applications, an affidavit shall be confined to such fact as the deponent is able of his own knowledge to prove.

On an interlocutory application when a particular fact is not within the deponent's own knowledge, but is based on his

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<sup>1</sup> Substituted vide Notification No. 472/VIIIc, (Correction Slip No. 268) dated 28.07.2021, published in official Gazette dated 02.10.2021.

belief or information received from others which he believes to be true, the deponent shall use the expression "I am informed and verily believe such information to be true, "or words to that effect, and shall sufficiently describe for the purpose of identification, the person or persons from whom his information was received.

When any fact is stated on the basis of information derived from a document, full particulars of that document shall be stated and the deponent shall verify that he believes such information to be true.

**13. Identification of deponent :-** Every person swearing an affidavit shall, if not personally known to the person before whom the affidavit is sworn, be identified before that person by someone known to him; and in such case the person before whom the affidavit is made shall state at the foot of the affidavit, the name, address and description of the person by whom such identification was made.

Such identification may be made by a person --

- (a) personally acquainted with the person to be identified, or
- (b) who is reasonably satisfied as to his identity :

<sup>1</sup>Provided that if the person so identifying is an Advocate enrolled with the Bar Council of U.P. Or with any other Bar Council, he shall give his enrollment number and address of his chamber/office/residence; in case of registered clerk of the Advocate, he shall give the registration number, name and address of the Advocate with which he is working.

Provided that in the latter case the person so identifying shall sign at the foot of the affidavit a declaration in the following form, after there has been affixed to such declaration in his presence the thumb impression of the person so identified, namely--

#### Form of declaration

I (name, description and address) declare that I am satisfied on the grounds stated below that the person making this affidavit and alleging himself to be A B is that person :

(Here state the grounds)

**14. Affidavit by Pardanashin woman :-** No affidavit purporting to have been sworn by a woman who did not appear unveiled in the presence of the person before whom the affidavit was made, shall be used unless she was identified in the manner specified in Rule 13, and the affidavit is accompanied by a separate affidavit by the person identifying her made at the time of identification setting forth the circumstances in which she was personally known to him or he was satisfied that she was such person as she alleged herself to be in her affidavit.

**15. Contents to be explained to deponent :-** The person before whom an affidavit is sworn shall ask the deponent if he has read the affidavit and understands the

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<sup>1</sup> Substituted vide Notification No. 81/VIIIc-2 (Correction Slip No. 243) Dated 28.02.2012

contents thereof. If the deponent state that he has not read it or appears not to understand the contents or does not know the language thereof he shall read and explain it or cause another person to read and explain it to such person in his presence. Until he is satisfied that the deponent fully understands its contents he shall not allow the affidavit to be sworn.

**16. Impounding of affidavit :-** When it appears to the Oath Commissioner that the deponent cannot be made or will not understand the contents of the affidavit, he shall impound it and forward it to the Registrar General for such action as he may consider necessary.

When an affidavit is impounded under this Rule, the person impounding the same shall certify thereon the date on which and the circumstances in which it was impounding.

**17. Oath or affirmation by deponent :-** The person administering an oath or affirmation to the person making an affidavit, shall follow the provisions of the Indian Oaths Act, 1873.

The following forms are prescribed, namely--

#### Oath

I swear that this my declaration is true; that it conceals nothing; and that no part of it is false. So help me God.

#### Affirmation

I solemnly affirm that this my declaration is true; that it conceals nothing; and that no part of it is false.

**18. Correction in affidavit :-** All interlineations, alterations or erasures in an affidavit shall be initialed by the person swearing it and the person before whom it is sworn. Such interlineations, alterations, or erasures shall be made in such manner as not to obliterate or render it impossible or difficult to read the original matter. In case such matter has been obliterated so as to make it impossible or difficult to read it, it shall be re-written on the margin and initialed by the person before whom the affidavit is sworn.

No interlineation, alteration or erasure shall be made in an affidavit after it has been sworn.

**19. Certificate of verification :-** The person before whom an affidavit is sworn shall certify at the foot of the affidavit the fact of the swearing of the affidavit before him, the manner in which he has complied with Rule 15 and the date and hour of the swearing of the affidavit and shall mark, initial and date any exhibits referred to therein.

**20. Affidavit containing numerous correction may not be accepted :-** The Court or the Registrar General may refuse to receive an affidavit in which interlineations, alterations or erasures appear to be so numerous as to make it expedient that the affidavit should be re-written.

**21. Interpretation :-** In this Chapter 'affidavit' includes a petition or other document required to be sworn, and 'sworn' shall include 'affirmed'.

## CHAPTER V

# HIGH COURT OF JUDICATURE AT ALLAHABAD

## Administrative (E-I) Section

### Notice

In compliance of the order dated 10.02.2025 of Hon'ble the Chief Justice, following guidelines/directions in respect of working of Oath Commissioners are issued for strict compliance;

1. All the Oath Commissioners shall maintain a register strictly in accordance with the Rule-3 of Chapter-IV of The Allahabad High Court Rules, 1952, as format annexed.
2. A label shall be affixed on the cover page of the Oath Commissioners' Register disclosing one's full name, Serial Number issued by the Cash Section of the Court, Enrollment Number issued by the Bar Council of Uttar Pradesh and the Chamber Number /place of sitting in the High Court. The Cash Section shall certify the same and get the same deposited with him when it is filled up or at the end of the term of Oath Commissioners and it shall be preserved at least for 2 years.
3. All the Advocate Oath Commissioners are directed to get the coupon issued in their favour necessarily and do the work of verification of Affidavit strictly in accordance with the provisions of Chapter-IV of the Allahabad High Court Rules, 1952.
4. All the Oath Commissioners are directed to ensure that the Coupon issued to an Oath Commissioner shall not be used by another Oath Commissioner and the coupon issued in a particular year shall not be used in subsequent years, under any circumstances.
5. All the Oath Commissioners are directed to ensure that the Signature and the Seal which they make while attesting the Affidavits, Applications, Writ Petitions, Appeal etc., should be legible, failing which the same shall not be accepted by the Stamp Reporting Section.
6. Seal of the Oath Commissioner must contain the full name, Serial Number of coupon issued from the Cash Section, Enrollment Number issued by the Bar Council of Uttar Pradesh and place of sitting/ office of the Oath Commissioner must be clearly visible.
7. All the Oath Commissioners should not sign any affidavit without proper filling of paragraphs, Signature & Photograph of the deponent and Signature of the person identifying the deponent on such affidavit.
8. All the Oath Commissioners are directed to ensure that the full particulars of the deponent as full name, age, the name of his/her father, rank or degree in life, profession, calling, occupation or trade and his/her true place of residence shall be clearly mentioned on the affidavit.
9. All the Oath Commissioners should scrutinize the document as to its correct form while attesting the affidavit.
10. The Oath Commissioner shall affix his/her Seal & Signature with date on every page of affidavit and every page of the attached documents.
11. The Oath Commissioner shall not delegate his/her duty or any part of his/her duty to another, under any circumstances.
12. All the Oath Commissioners are directed to charge such fees for the verification of affidavits as may be prescribed by the order of Hon'ble the Chief Justice from time to time.
13. All the Oath Commissioners must ensure the compliance of the guidelines issued by the Allahabad High Court as well as rules under Chapter IV of The Allahabad High Court Rules, 1952 while discharging his/her duties as Oath Commissioner.
14. Non-compliance of due procedure while swearing in Affidavit by the Oath Commissioners, may lead to appropriate action.
15. The Cash Section and Stamp Reporting Section of Allahabad High Court shall ensure that the coupons issued in favour of one Oath Commissioner shall not be used by another Oath Commissioner and coupons issued in a particular year shall not be used in subsequent year, under any circumstances.
16. In addition to above guidelines, all the Oath Commissioners are directed to ensure the strict compliance of Office Memorandum No. 805/Admin. G-I/Allahabad: Dated: 09.08.2023 issued earlier regarding implementation of procedure of photo affidavit system of the Hon'ble Court, as annexed.

By order of the Court,

  
(Rajeev Bharti)

Registrar General

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**ADMIN. 'G-I' (AMENDMENT) SECTION**

**OFFICE MEMORANDUM**

No. 805 /Admin. G-I/Allahabad: Dated: August 09<sup>th</sup>, 2023

In supersession of the earlier Office Memorandum No.268 /Admin. G-I/Allahabad: Dated: 10.09.2018, for implementation of the procedure of photo affidavit system of the Hon'ble Court, as per the provisions contained in Chapter IV Rule 3 of the Allahabad High Court Rules, 1952, Hon'ble the Court has been pleased to direct to issue hereby the new Office Memorandum to the effect that -

(1) *The Oath Commissioners shall maintain a register which shall contain the prescribed particulars with respect to each affidavit sworn;*

(2) *The deponent of every affidavit shall affix his or her passport size photograph together with the identification number issued by the Allahabad High Court Bar Association or Advocates' Association for Allahabad and Oudh Bar Association for Lucknow Bench, Lucknow;*

(3) *For one particular case, one identification number shall be allocated to a person by the Allahabad High Court Bar Association or Advocates' Association for Allahabad and Oudh Bar Association for Lucknow Bench, Lucknow which may be used for all subsequent affidavits to be filled by the same deponent in the same case;*

(4) *The identification number allocated to a particular deponent in a case shall also be specifically recorded in the register;*

*Provided that the above modalities shall not be insisted upon in regard to the affidavits to be filed by the officials of the State or Union Governments or on behalf of the instrumentalities of the State.*

***Provided further that an Advocate who is having an AOR number issued by the Hon'ble High Court but is not a member of above associations, shall not be refused for photo identification number.***

*It is further directed that having due regard to the nature of the work which is to be carried out by the Allahabad High Court Bar Association or Advocates' Association for Allahabad and Oudh Bar Association for Lucknow Bench, Lucknow and the administrative expenses involved, an amount of Rs. Seventy per identification number may be charged by the Bar Association or Advocates' Association for Allahabad and Oudh Bar Association for Lucknow Bench, Lucknow. The amount so prescribed shall not be enhanced without prior approval of the Registrar General on the instructions of the Chief Justice.*

All concerned are directed to comply with aforesaid order with immediate effect.

**By Order of the Court**

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(Rajeev Bharti)  
Registrar General

No. 10604 /Admin. G-I/Allahabad: Dated: August 09<sup>th</sup>, 2023

Copy forwarded for information & necessary action to:

1. Chief Private Secretary, High Court of Judicature at Allahabad.

2. All the Registrars/Joint Registrars/Deputy Registrars/Assistant Registrars-cum-Private Secretary attached to the Hon'ble Judges of the High Court, Allahabad as well as Lucknow Bench, Lucknow for information of Their