

1. PARTB-AFFIDAVITS

[1]1. Section 139 and Order XIX of the Code of Civil Procedure ,Section 333 of The Bharatiya Nagarik Suraksha Sanhita, 2023 and Section 3(2) of the Oaths Act, 1969 contain the provisions on the subject of affidavits.

Relevant law.

2. When an application for the attestation of an affidavit is presented to any Court superior to the Court of Sub-Judge ,4th Class, such Court may, if convenient, refer it for disposal to an inferior Court sitting at the same place.

Superior Court may send affidavit for attestation to a lower Court.

3. No court-fee or other stamp is required upon an affidavit made for the immediate purpose of being filed and used in any court or before and other of any court [Indian Stamp Act, 1899, Schedule I, Article 4, exemption (b)] and no fee has been prescribed as chargeable for the attestation of an affidavit except as laid down in paragraph 5 below.

Affidavit exempted from court-fees

4. There is no legal objection to several persons joining in a single affidavit in whole or in part; but Courts or Magistrates should, in such cases, be careful that each declarant deposes separately, and that the certificate is adapted to the actual circumstances of the particular case.

Joint affidavit

[2]5(i) The High Court shall appoint Oath Commissioners for the purpose of administering oaths and affirmations under the provisions mentioned in Rule 1 above, at the headquarters of each district and sub-division/tehsil/sub-tehsil of a District as well as for the High Court premises.

Appointment of Oath Commissioners

(ii) An Oath Commissioner shall hold office for a term of two years from the date of his/her appointment or until the date on which he/she completes five years of practice at the Bar, whichever is earlier.

Term of Oath Commissioner

In special category of cases the Oath Commissioner shall hold office for the period as indicated in the notification of appointment.

(iii)(a) No person shall be eligible for appointment as Oath Commissioner unless-

Eligibility for appointment of Oath Commissioner-

(1) he/she has for at least two years but not exceeding five years been an Advocate of the High Court of Punjab and Haryana or a Court subordinate thereto;

(2) he/she is below the age of thirty five years ;and

(3) his/her gross annual income from all sources does not exceed ₹ 2, 50,000/-;

(b) Appointment or extension as Oath Commissioner may be made or given, as the case may be, by relaxation of the rules under sub-clause(1)and(2)of clause(a)of sub-rule(iii) of this rule in the following special category of cases for the terms indicated therein, provided the gross annual income of such person from all sources does not exceed₹ 3,00,000/-:

Appointment of Oath Commissioner in special category cases

[1] and [2]substituted vide correction slipno.198 Rules/II.D4dated10.08.2025.

- 1) Advocate suffering from permanent disability between 50 to 70%, for maximum four terms of two years each.
- 2) Advocate suffering from permanent disability of more than 70%, for maximum six terms of two years each.
- 3) Advocate of *60 years of age or more (Senior Citizen)*, for maximum three terms of two years each.
- 4) *Deserted/widowed/divorcee/unmarried woman Advocate*, for maximum three terms of two years each.

(iv)(a) An eligible advocate may submit his/her application in the prescribed Form III for appointment as Oath Commissioner to the District & Sessions Judge concerned or to the President of High Court Bar Association in the case of those seeking appointment for the High Court premises.

Procedure
for
appoin
tment
of
Oath
Commis
sioner

(b) Along with the application for appointment/extension, the applicant shall submit copy of document in support of date of birth, copy of certificate of practice issued by the Bar Council of India or Enrolment Certificate issued by Bar Council of Punjab and Haryana after the passing of All India Bar Examination, and proof/affidavit in support of annual income. In special category of cases, the applicant shall also submit an affidavit and the requisite document(s) in support of application.

(c) The application for extension shall be submitted at least four months before the expiry of the term of the applicant as Oath Commissioner.

(d) The District & Sessions Judge shall forward the application(s) collectively to the High Court in the first week of January, May and September every year with recommendation in respect of suitability of each candidate and the requirement in number keeping in view the existing strength at the headquarter of the district and sub-division/tehsil/sub-tehsil of the district.

(e) The President of High Court Bar Association shall forward the application(s) collectively to the High Court in the first week of January, May and September every year. While forwarding the applications, the President of High Court Bar Association shall comment upon the suitability of the applicant(s).

(f) The application for extension of term as Oath Commissioner shall be forwarded without any delay.

(g) The application for appointment as Oath Commissioner may be accepted, if the High Court is satisfied about the suitability and the requirement.

(h) In case the application is not accepted/declined within the period of one year of its submission with the District & Sessions Judge/President Bar Association of High Court, the applicant will have to submit a fresh application.

(v) On being appointed, Oath Commissioner shall furnish an undertaking in the shape of affidavit, before the District & Sessions

Undertak
ing to be
given by
the Oath
Commis
sioner

Judge or the Registrar (Rules) as the case may be, to deposit the amount of penalty, if any, imposed upon him/her by the High Court.

(vi) An Oath Commissioner shall have the power to attest only the affidavits under the Code of Civil Procedure, 1908 or Section 333 of The Bharatiya Nagarik Suraksha Sanhita, 2023, to be used in Courts by administering oaths and affirmations. The Oath Commissioner shall not be competent to attest the copies of the documents to be correct as per original documents.

Power of
Oath
Commissioner

(vii) The Oath Commissioner shall maintain a register in the following prescribed form in which every application to have an affidavit attested and every affidavit verified shall be entered. The register of affidavits of the Oath Commissioner at the district/High Court premises should be duly page-marked having a certificate on the opening sheet under the signatures of the District & Sessions Judge/Registrar (Rules) or an officer nominated by the District & Sessions Judge/Registrar (Rules) as the case may be, for certifying the correctness of the register as per the prescribed form and the total number of pages therein.

Register of
affidavits

Form of Register

**Register of affidavits attested in the _____ Court of
The _____ in the _____ District**

1	2	3	4	5	6	7	8	9	10	11	12
Serial no.	Date of, application of tendering an affidavit	Name and address of the person tendering an affidavit (if any) or affidavit	Nature of affidavit briefly stated: if the affidavit relates to a cause in Court, the cause should be specified	Detail of exhibit if any attached to	Civil Court, Magistrate or other officer empowered in that behalf administering the oath or affirmation	Date of administering oath or	Name and address of witness identifying the Deponent if officer administering oath and his signature or thumb impression does not know him	Signature or thumb-impression of the deponent	Name of the Court or Officer in which the affidavit is intended to be filed	Signature and designation of Civil Court, Magistrate or other officer	Fee charged

(viii) The Oath Commissioner may charge a remuneration of twenty five rupees for each affidavit. An additional fee upto one hundred rupees may be charged, when the Oath Commissioner is required to attend the deponent's residence/place. A written printed receipt in the format prescribed hereinafter shall be issued by the Oath Commissioner to the deponent by retaining its carbon copy. The

Remuneration of
Oath
Commissioners

Oath Commissioner shall also obtain the signature/thumb impression of the deponent on the reverse side of the carbon copy of the receipt.

Receipt

(Name of the Oath Commissioner)

Serial No. _____ Dated: _____

Received ₹ _____ as attestation charges

from _____ for affidavit

bearing no. _____ in the register.

Signature

(ix) Every Oath Commissioner shall use a plain circular seal bearing in bold letters his name and the name of area within which he has been appointed to exercise his functions as Oath Commissioner.

Seal of
Oath
Commissioner

(x) The Oath Commissioner shall display in bold letters his/her name-plate with rate of attestation on his/her seat.

Display of
Name and
attestation
charges

(xi) (a) The office of District & Sessions Judge shall maintain a Register depicting the name(s) of Oath Commissioner within the District alongwith period of appointment. In case of Oath Commissioners working in the High Court such Register shall be maintained in the office of Registrar (Rules).

Inspection
of Record of
Oath
Commissioner

(b) An Oath Commissioner shall produce for inspection the Register, Receipts and Rubber Stamps for inspection before the District & Sessions Judge or an Officer nominated by District & Sessions Judge for this purpose in the first fortnight of January, April, July and October every year. In case of Oath Commissioners working in the High Court, such record shall be produced for inspection before the Registrar (Rules) or an officer nominated by the Registrar (Rules) for this purpose.

(c) In case minor shortcomings are detected by the Inspecting Officer, an advisory in writing will be issued to the Oath Commissioner by the District & Sessions Judge or the Registrar (Rules) at his own level and no inspection report is required to be furnished in this regard.

(d) In case an Oath Commissioner fails to submit the Record for inspection within the stipulated period or major shortcomings are detected by the Inspecting Officer or there is repetition of minor shortcoming(s) after the issuance of advisory, the report shall be sent to this Court.

(xii) (a) On receipt of report under sub-rule (xi) *ibid* or otherwise the term of Oath Commissioner may be curtailed by the High Court, if it thinks fit to do so. In addition to curtailment of term, penalty equivalent to double of the amount of total attestation charges received during his/her term as the Oath Commissioner, may also be imposed by

Curtailement
of term of
Oath
Commissioner

the High Court. The misconduct by an Oath Commissioner may also be brought to the notice of Bar Council of India/Bar Council of Punjab and Haryana for appropriate action as per The Advocates Act, 1961.

(b) In case any advocate fails to commence his work as Oath Commissioner within one month from the date of notification or within such time as extended by the High Court it will be presumed that he/she is not interested to work as Oath Commissioner and his/her term shall be deemed to be curtailed without issuing any notice.

(xiii) On completion of the term of an Oath Commissioner, the registers, receipt books containing unused receipts and carbon-copies of used receipts and the seals shall be deposited by him/her with the District & Sessions Judge concerned or the Registrar (Rules) as the case may be. In case of completion of register during the term of an Oath Commissioner the new register shall be started only after deposit of previously maintained register, with the District & Sessions Judge or Registrar (Rules) as the case may be. The record shall be kept in the office of District & Sessions Judge/Registrar (Rules) as the case may be and preserved for five years and weeded out thereafter while retaining the same in soft format (scanned copy), unless it is required in proceedings before any authority or in connection with the investigation, inquiry or trial of a case.

Deposit of
Record

(xiv) Hon'ble the Chief Justice may relax any of the rules keeping in view the extreme exigency or hardship on case to case basis.

Deposit of
Record

6. In order to facilitate the verification of affidavits of serving officers made under Order V, Rule 19, or Order XVI, Rule 10, of the Code of Civil Procedure, the State Government has empowered the Court of the Subordinate Judge of the First Class in charge of the Nazarat to appoint an officer subordinate to itself to administer oaths to process-servers, bailiffs, naib-nazirs and nazirs making affidavits of service of summons, notices and other processes under the Code of Civil Procedure (Punjab Government Notification No. 216-19, dated the 20th June, 1931). In the case of such affidavits and of all other affidavits made by officers of the Courts in their official capacity, no application, such as is referred to in paragraph 2 is necessary.

Attestation
of affidavits
by process
Serving
and other
officials

7. ^[1]Omitted

8.(i) Every affidavit to be used in a Civil Court shall be entitled:-

Title of
affidavit

“In the Court of _____ at _____ (naming the Court and place of sitting).

^[1] Omitted vide correction slip no. 198 Rules/II.D4 dated 08.10.2025.

(ii) If there be a cause in Court, the affidavit in support of or in opposition to an application respecting it shall also be entitled in the cause, thus:-

_____ PLAINTIFF
 Against
 _____ DEFENDANT

Claim:- _____
 (naming the parties and stating the nature of the claim).

(iii) If there be no cause in Court, the affidavit shall be entitled:-

“In the matter of the petition of _____ (name)
 praying _____”.

(brief statement of subject)

(iv) Every affidavit shall be further entitled:-

“Affidavit of _____ (name) made on this _____ day
 of _____ 19____ (date) before _____
 _____ (name of attesting officer), at _____ (place).”

9. (i) Every affidavit containing any statement of facts shall be divided into paragraphs, and every paragraph shall be numbered consecutively, and, as nearly as may be, shall be confined to a distinct portion of the subject.

^[1] “Provided that a short affidavit verified in the manner prescribed under Order 19 Rule 3 of the Code of Civil Procedure may be filed to support the averments made in any application.”

(ii) Every person, other than a plaintiff or defendant in a suit in which the application is made, making any affidavit, shall be described in such manner as will serve to identify him clearly: that is to say, by the statement of his full name, the name of his father, his profession or trade, and the place of his residence.

(iii) When the declarant in any affidavit speaks to any facts within his own knowledge, he must do so directly and positively, using the words ‘I affirm’ or ‘I make oath and say’.

(iv) When the particular fact is not within the declarant’s own knowledge, but is stated from information obtained from others, the declarant must use the expression ‘*I am informed*’, - and, if such be the case, should add ‘*and verily believe it to be true*’, - or he may state the source from which he received such information. When the statement rests on facts disclosed in documents, or copies of documents procured from any Court of Justice or other source, the declarant shall specify the source from which they were procured, and state his information or belief as to the truth of the facts disclosed in such documents.

Contents
of
affidavits.

[1] Added vide Correction Slip No.131 Rules/II.D.4 dated 8.02.2005.

10(i) Attention is drawn to Order XIX, Rule 3, which lays down that affidavits shall be confined to such facts, as the deponent is able of his own knowledge to prove, except interlocutory applications (See Order XXXIX, Rules 6 to 10), on which statements of his belief may be admitted: provided that the grounds thereof are stated.

Affidavits generally to be confined to facts which are within defendant's knowledge

10. (ii) 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.

11. Every person making an affidavit shall, if not personally known to the Court, Magistrate or other officer appointed to administer the oath or affirmation, be identified to such Court, Magistrate or officer by some person known to him; and such Court, Magistrate or officer shall specify, at the foot of the affidavit, the name and description of the person by whom the identification is made, as well as the time and place of the identification and of the making of the affidavit.

Identification of deponent

12. The Court, Magistrate, or other officer as aforesaid, before whom an affidavit is made, shall certify at the foot of the affidavit the fact of the making of such affidavit before him, and shall enter the date and subscribe his signature to such certificate, and shall, for the purpose of identification, mark, date, and initial every exhibit referred to in the affidavit. The name of the verifying authority must be signed in full, and care must be taken that his proper designation as a Civil Court or Magistrate is added.

Mode of attestation.

13. An affidavit purporting to have been made by a female declarant, who has not appeared unveiled before the Court, Magistrate, or other officer as aforesaid, before whom the affidavit is made, shall not be certified, unless and until she has been duly identified before, and an affidavit of her identity by the person identifying her has been made before, and certified by such Court, Magistrate or officer.

Female deponents

14. If any person making an affidavit appears to the Court, Magistrate or other officer administering the oath or affirmation, to be ignorant of the language in which it is written, or to be illiterate, or not fully to understand the contents of the affidavit, such Court, Magistrate or officer shall cause the affidavit to be read and explained to him in a language which both he and such Court, Magistrate or officer understand; either doing so himself, or causing another person to do so in his presence. When an affidavit is read and explained as herein provided, such Court, Magistrate or other officer as aforesaid shall certify in writing at the foot of the affidavit that it has been so read and explained, and that the declarant seemed perfectly to

Attesting officer's duty.

understand the same at the time of making it.

15. Every affidavit shall be signed or marked and verified at foot by the deponent and attested by the Court, Magistrate or other officer administering the oath or affirmation. Every page of the affidavit shall be signed by the deponent and initialed by the attesting Officer. The verification by the deponent shall be in one of the forms attached hereto, and shall be signed or marked by the deponent. The attestation of the Court, Magistrate, or other officer administering the oath or affirmation shall also be in the form prescribed below.

Attesting,
signing and
verification
of affidavits.

16. In administering an oath or affirmation to the declarant in the case of any affidavit under the Code of Civil Procedure, the Court, Magistrate or other officer appointed in that behalf shall be guided by the rules under the Indian Oaths Act, 1873, printed in Part A of this Chapter and shall follow the form of verification by oath or affirmation hereto appended.

Manner
administering
oath to
deponent

I- **FORM OF VERIFICATION OF OATH OR AFFIRMATION**
(Vide PARAGRAPH 15 ABOVE)
Oath

I solemnly swear that this 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 declaration is true, that it conceals nothing, and that no part of it is false.

II-FORM OF CERTIFICATE

(Vide PARAGRAPHS 12, 14 AND 15 ABOVE)

Certified that the above was declared on (a)___ before me this(b)_____day

of(c)_____19_____,at(d)_____ in the district of (e)_____ by (f)_____ who is (g)_____.

(full signature)A.B.

(Office)District Judge(or as the case may be) of_____

- (a) here enter oath/affirmation as the case may be,
- (b) date,
- (c) month,
- (d) place,
- (e) name of district,
- (f) full name and description of declarant,
- (g) here enter “personally known to me” or “identified at (time and place of identification) by (full name and description of person making the identification who is personally known to me).”

II-A

The exhibits marked A, B, C (as the case may be) above referred to are annexed hereto under this date and my initials.

II-B

Certified further that this affidavit has been read and explained to (name) the declarant who seemed perfectly to understand the same at the time of making thereof.

¹[FORM III]

APPLICATION FORM
(For Appointment as Oath Commissioner)

1. Name :
2. Parentage :
3. Date of Birth :
(Attach attested copy of matriculation certificate or other attested proof of age)
4. Address :
5. Date of enrolment as an Advocate
(Attach attested copy of enrolment certificate)
6. Place of Practice :
7. Area for which application is made:
8. Particulars of all earlier appointments as Oath Commissioner and the periods of Such appointments. :
9. Whether his term was ever curtailed
By this Court :
10. Special category, if any, for seeking Appointment :

11. Declaration by the applicant :
I hereby declare that I shall be bound by the rules/directions pertaining to the appointment of the Oath Commissioner and shall have no objection if my licence is cancelled for non-compliance of any of the rules notification or directions issued. I shall properly maintain the register and accounts and shall regularly submit the same for inspection to the authority concerned.

Signature of the applicant.

12. Recommendation of the District Judge/Bar Association with regard to suitability for appointment and report regarding honesty and integrity.

^[1]Form III added vide Correction Slip No. 105Rules/II.D.4 dated 11.9.1997.