

THE GAUHATI HIGH COURT AT GUWAHATI
(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR,
TRIPURA, MIZORAM AND ARUNACHAL PRADESH)

N O T I F I C A T I O N

Dated Guwahati, the 5th October, 2010

No.HC.XI-05/2010/ **513** /RC # # In supersession of all previous orders, the Gauhati High Court has been pleased to amend Chapter -IV of the Rules of the Gauhati High Court in the following manner:

- (i) The existing Rule 2-B shall be substituted by the following Rule:

“Every application for revision shall be produced before the Commissioner of Affidavits, who shall satisfy himself that the application is sufficiently stamped and is accompanied by an affidavit and complies with the provisions of Rule 2-A above, and shall certify accordingly.”

- (ii) The existing Rule 28 shall be substituted by the following Rule:

“Every person making an affidavit, if not personally known to the Magistrate or any Notary appointed under the Notaries Act, 1952 or any Officer or other person whom the High Court appoints in this behalf or any Officer appointed by any other court which the State Government has generally or specially empowered in this behalf, shall be identified to such authorities by some persons known to him, and the said authorities shall satisfy at the foot of the application or of the affidavit, as the case may be, 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. Every pardanashin woman verifying an application or making an affidavit in the manner specified in the preceding rules and every such application or affidavit shall be accompanied by the affidavit of identification of such woman made at the time by the person who identified her.”

- (iii) The existing Rule 29 shall be substituted by the following Rule:

“If any person making an affidavit is ignorant of the language in which it is written, or appear to the Magistrate or any Notary appointed under the Notaries Act, 1952 or any Officer or other person whom the High Court appoints in this behalf, or any Officer appointed by any other court which the State Government has generally or specially empowered in this behalf, to be illiterate, or does not fully understand the contents of the affidavit, the said authority shall cause the affidavit to be read and explained to him/her in a language which both he/she and the said authority understand, either doing so himself, or causing another person to do so in his presence. When any affidavit is read and explained as herein provided, the said authority 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 understand the same at the time of making the affidavit.”

- (iv) The existing Rule 30 shall be substituted by the following Rule:
In administering oaths and affirmations to declarants, the Magistrate or any Notary appointed under the Notaries Act,

1952 or any Officer or other person whom the High Court appoints in this behalf or any Officer appointed by any other court which the State Government has generally or specially empowered in this behalf, shall be guided by the provisions of the Oaths Act, X of 1873. The following forms are to be used:

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."

- (v) The existing Rule 31 shall be substituted by the following Rule:

"The Magistrate or any Notary appointed under the Notaries Act, 1952 or any Officer or other person whom the High Court appoints in this behalf or any Officer appointed by any other court which the State Government has generally or specially empowered in this behalf, competent to administer oaths or affirmations and also to interpret affidavits filed under this Chapter, the following form of affirmation should be used:

"Solemnly affirmed before me this day, I certify that I read over and explained the contents to the declarant and that the declarant seemed perfectly to understand them."

By Order,
Sd/- P.K. Saikia
REGISTRAR GENERAL

Memo No.HC.XI-05/2010/ **514-643** /RC dated 05.10.2010

Copy to: -

1. The L.R. & Secretary to the Govt. of Assam, Judicial Department, Dispur, Guwahati.
2. The Secretary to the Govt. of Nagaland, Department of Justice and Law, Kohima.
3. The Secretary to the Govt. of Meghalaya, Law Department, Shillong.
4. The Secretary to the Govt. of Manipur, Law Department, Imphal.
5. The L.R. & Secretary to the Govt. of Tripura, Law Department, Agartala.
6. The Commissioner/Secretary to the Govt. of Mizoram, Law and Judicial Department, Aizawl.
7. The Secretary to the Govt. of Arunachal Pradesh, Law and Judicial Department, Itanagar.
8. The Registrar (Vigilance), Gauhati High Court, Guwahati.
9. The Registrar (Judicial), Gauhati High Court, Guwahati.
10. The Registrar, Gauhati High Court, Kohima Bench, Kohima/Shillong Bench, Shillong/Imphal Bench, Imphal/Agartala Bench, Agartala/Aizawl Bench, Aizawl.
11. The District & Sessions Judge, _____.
12. The Joint Registrar (Admn.), Gauhati High Court, Guwahati
13. The Deputy Registrar (_____), Gauhati High Court, Guwahati.
- ✓ 14. The Deputy Registrar, Gauhati High Court, Itanagar Bench, Naharlagun.
15. The Deputy Director (Printing & Stationery), Assam Govt. Press, Bamunimaidam, Guwahati-21.

He is requested to publish the Notification in the next issue of the Assam Gazette and send at least 10 copies of the same to the undersigned after publication.

16. The Deputy Director, Nagaland Govt. Press, Kohima/Meghalaya Govt. Press, Shillong/Manipur Govt. Press, Imphal/ Tripura Govt. Press, Agartala/Mizoram Govt. Press, Aizawl/Arunachal Pradesh Govt. Press, Itanagar.

They are requested to publish the Notification in the next issue of their respective Official Gazettes and send at least 5 copies of the same to the undersigned after publication.

17. The Assistant Registrar (_____), Gauhati High Court, Guwahati.
18. The Librarian-cum-Research Officer, Gauhati High Court, Guwahati.
19. The Systems Analyst, Gauhati High Court, Guwahati.

He is requested to upload the notification on the High Court website.

20. The P.S. to Hon'ble Mr. Justice _____, Gauhati High Court.
21. The Superintendent (_____), Gauhati High Court, Guwahati.
22. The C.A. to the Registrar General, Gauhati High Court, Guwahati.

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