

राजस्व मण्डल के शपथ पत्र नियम
(पूर्व धारा 41 के अधीन निर्मित)

अधिसूचना क्रमांक 1851-53

दिनांक 22.04.1963

BOARD OF REVENUE AFFIDAVIT RULES

(Under Section 41)

By Notification No. 1851-53, dated the 22nd April, 1963, the Board of Revenue has made the following rules.—

1. In exercise of the powers conferred by section 4 of the Indian Oaths Act, 1873, the Board of Revenue, Madhya Pradesh hereby authorises its Clerk of Court, to be an Officer empowered by it to administer the oath and receive the solemn affirmation in the case of affidavits required for immediate use in cases before the Board of Revenue, in accordance with instructions contained in the following paragraphs.

2. (1) Every affidavit shall be headed "In the Board of Revenue, Madhya Pradesh, Gwalior."

(2) If there be a case in the Board, the affidavit in support of, or in opposition to, an application respecting it must be entitled in the case.

(3) If there is no case in the Board, the affidavit shall be entitled "In the matter of the petition of..."

3. Every affidavit shall be drawn up in the first person and divided into paragraphs, numbered consecutively, and each paragraph, as nearly as may be, shall be confined to a distinct portion of the subject.

4. (1) Except in interlocutory proceedings affidavits shall strictly be confined to such facts as the declarant is able of his own knowledge to prove.

(2) In interlocutory proceeding, 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", or its equivalent and, if such be the case, "and verily believe it to be true," or its equivalent, and must state the name and address of, and sufficiently describe for the purposes of identification, the person or persons from whom he received such information.

S. 41 - BOARD OF REVENUE AFFIDAVIT RULES

(3) When the application or the opposition thereto, rests on facts disclosed in documents or copies of documents produced from any Court of Justice or other source, the declarant shall state what is the source from which they were produced, and his information and belief as to the truth of the facts disclosed in such documents.

(4) Documents, other than those on the record of the case referred to in the affidavit shall, as far as possible, be annexed to it.

5. Unless it be otherwise provided, an affidavit may be made by any person having cognizance of the facts deposed to. Two or more persons may join in any affidavit; each shall depose separately to those facts which are within his knowledge, and such facts shall be stated in separate paragraphs and it must appear which fact each is deposing to.

6. When the declarant to any affidavit speaks to any fact within his own knowledge, he must do so directly and positively; using the words "I affirm" (or "make oath") "and say".

7. Every affidavit should clearly express how much is a statement of the declarant's knowledge and how much is a statement made on his information or belief and must also state the sources or ground of the information or belief with sufficient particularity.

8. All corrections in the affidavit shall be legibly initialed and dated by the declarant.

9. (1) Subject to the exception set out in sub-rule (2) below, the charge of administering the oath to the deponent or receiving the solemn affirmation shall be one rupee for each affidavit and this charge shall be paid by means of a Court-fee stamp affixed to the affidavit.

(2) No charge shall be made in respect of affidavits made by public officers in virtue of their office.

10. If the declarant is not personally known to the officer administering the oath or receiving the solemn affirmation he shall be identified by some person whom that officer does know, and otherwise by at least two respectable witnesses which person or witnesses shall sign the endorsement prescribed by Rule 14 below.

11. Where the declarant is a Pardanashin woman, she shall be identified by a person to whom she is known and before whom she is accustomed to appear unveiled and such person shall sign the endorsement prescribed by Rule 14 below.

12. (1) Officer shall, before administering the oath or receiving the solemn affirmation, ask the declarant if he has read the affidavit and understands the contents thereof, and if the latter stated that he has not read it, or appears not fully to understand the contents thereof, or appears to be blind, illiterate or ignorant of the language in which it is written the officer administering the oath shall read and explain or cause some other competent person to read and explain in his presence, the affidavit to the declarant in a language which both the declarant and the officer administering the oath understand.

(2) When an affidavit has been read, translated or explained as herein provided, the officer administering the oath or receiving the solemn affirmation shall certify in writing at the foot of the affidavit that it has been

so read, translated or explained in his presence and that the declarant appeared to understand the same at the time of making the affidavit and made his signature or finger impression in the presence of the officer.

13. The President, or a Member may order to be struck out from any affidavit any matter which is scandalous or irrelevant and may order the costs of any application to strike out such matter, if granted, to be included in the costs payable by the offending party.

14. The Officer administering the oath or receiving the solemn affirmation shall make the following endorsement on every affidavit made before him and shall date, sign and seal the same:—

Sworn before me on the.....day of.....19.....
by..... son of.....who is personally known to me (of
who has been identified by.....whose signature is signatures are
hereto appended.

SEAL

Signature

Designation

A rubber stamp may be used for the form of this endorsement. In addition the particulars required by Rule 12(2) shall, where necessary, be added in manuscript and dated, signed and sealed by the officer administering the oath.

15. In administering oaths or receiving affirmations the following form should 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.

AFFIRMATION

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