

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1142 of 2019
In
CRIMINAL REVISION No.31 of 2018

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Co-ordination Committee of three Association of Lawyers of Patna High Court through its Chairman Yogesh Chandra Verma, about aged 75 (M), S/o - Late P.C. Verma having its office at Library of Advocate Association, P.S.- Patna Kotwali, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The High Court of Judicature at Patna through its Registrar General, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Yogesh Chandra Verma, Senior Advocate
		Mr. Anuj Kumar, Advocate
For the Respondent/s	:	Mr. Mrigank Mauli, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 11-09-2019

The Co-ordination Committee of the three Associations of Lawyers of Patna High Court through its Chairman has filed the present Appeal against certain observations by a learned Single Judge in Criminal Revision No.31 of 2018 arising out of Miscellaneous Appeal No.817 of 2016 whereby a direction has been issued to the Registrar General to issue strict instructions to the Advocate Oath Commissioners to accept only a “**fully visible**” copy of the Photo Identity Card/ Aadhaar Card of the deponent so that his



identity is properly established and confirmed.

The appellant-Co-ordination Committee has challenged the aforesaid instructions on various grounds, one being that Section 34 of the Advocates' Act provides that the power to issue Rules is that of the High Court and a learned Single Judge could not have exercised the aforesaid power without there being any valid basis. It was also asserted that before passing such an order, the affected party, at least the concerned advocate should have been informed or the Advocate General ought to have been taken into confidence, for he represents the Bar.

The order for issuance of such directions has further been assailed on the ground of the same being in excess of the powers provided under Articles 226 and 227 of the Constitution of India and, therefore, the present Appeal.

Aadhaar Cards are prepared by the authorities empowered to do so and any photo copy or facsimile of such Card may not be as clear as the Card itself. The possibility of the photograph in such Cards being blurred in the photo copy may not necessarily be attributable to any deliberate act on the part of the deponent to hide or change his identity.

After having perused the order passed by the learned



Single Judge, we are of the view that the instructions which the Registrar General of the Court has been directed to issue to the Oath Commissioner, namely, accepting only a fully visible copy of the Identity Card needs to be reviewed by substituting it with a direction that a “**fairly visible**” copy of the Photo Identity Card be supplied by the deponent so that his identity is not obscured and it is clearly discernible as to who has deposed. What is required to be seen is that the name, residential address and date of birth along with UID number should be clearly discernible/visible. This would broadly prevent any fake person to swear an affidavit.

The purpose for seeking affidavit of a deponent is to impart credibility to the materials in the affidavit. In such an event, the name, the residential address and the UID number is generally speaking, sufficient proof of the fact that a genuine person has deposed and in case of any infraction in the information so provided in the petition, the same would get tracked by calling such deponent in Court.

After hearing the learned Advocates, we are of the view that some difficulty is being faced by them in filing their petitions before the High Court. In such event of the matter, we deem it expedient as well as desirable to refer the matter to



Hon’ble the Chief Justice for passing appropriate orders on the administrative side regarding instructions to the Registry for acceptance of Aadhaar Card of a deponent, which is fairly legible subject to any rules being made in future by the High Court in this regard.

The order of the learned Single Judge stands modified to the extent indicated above and the appeal stands disposed of accordingly.

(Amreshwar Pratap Sahi, CJ)

(Ashutosh Kumar, J)

Sunil/-

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