

Checklist for officers swearing affidavit in High Court

Remember that Courts are meant to protect right of citizens and do not forget that it is in the interest of State to see that the rights of citizens are protected. Do not treat or feel that Courts are an obstacle in the administration. We are in Democracy and Democracy exists because of independence of judiciary and we have a duty to uphold said independence. Before you swear affidavit please go through the following checklist:

1. **Read** the Writ Petition/ Application and annexure carefully and line bare.
2. **Do not delegate the task of swearing the affidavit to your other officers, especially lower officers.** Remember that there are instances where the courts have expressed displeasure over swearing of affidavit by lower officers.
3. If for some valid reason, you delegate the task of swearing the affidavit to another officer then ensure that **the officer swearing the affidavit is well acquainted with the matter from all angles, and is in a position to depose** about the statements made in the affidavit.
4. If you have delegated with the task of swearing the affidavit by your officer, then ensure to obtain the **written authority to swear the affidavit**, first.
5. **Read the entire affidavit and understand.** Be satisfied about the **correctness of the affidavit**. Remember, as the swearer of the affidavit, you are primarily responsible for the correctness of the statements made in the affidavit. The consequences of making incorrect statements in the affidavit are serious.

6. If you have any issue over any portion of the draft of affidavit, **discuss the same with the concerned law officer, and if required, get the same modified** after consultation with the said law officer.
7. Your affidavit must **contain a satisfactory answer on each and every adverse allegations/statements** made against you in the main petition/application under reply.
8. Your affidavit must also **deal with each and every issue** raised by the petitioner/ applicant in the petition/application.
9. The language of the reply affidavit must be **polite, simple and submissive**. Strength of strong opposition is not lost due to submissive and mannerful language.
10. Before finalizing the draft of the affidavit, proof read the same and ensure that there are **no grammatical and typographical mistake**.
11. Always carry **your identity card along with you** while swearing the affidavit as your identity is required to be established first before administering oath to you by oath administering officer of the High Court.