

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

OWP No. 2551/2018

Jatinder Singh & Ors.

.....Petitioners

Through: Mr. G.S. Thakur, Advocate

Vs

State of J&K & Ors.

.....Respondents

Through: Ms. Nazia Fazal, Assisting Counsel to
Mrs. Monika Kohli, Sr. AAG

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
ORDER
(02.12.2025)

1. Five petitioners came forward with the institution of this writ petition on **11.12.2018**.
2. In the writ petition, the petitioners' grievance emanated from issuance of an Order No. **CK/SQ/2018-19/1752-68 dated 27.11.2018** by the Deputy Commissioner, Kathua in terms whereof every mutation/entry in the revenue record with respect to water body related and recorded land was ordered to be null and void with a further direction that any encroachment/construction/structure standing or raised thereupon to be demolished at the cost of the encroacher/s meaning thereby that with one brush everybody relatable to water body referred and recorded land was painted as an

encroacher without any requisite exercise at first instance as to whether the land in reference is proprietary land or an encroached land.

3. The purported legitimacy to aforesaid **Order No. CK/SQ/2018-19/1752-68 dated 27.11.2018** was drawn by the Deputy Commissioner, Kathua from judgment of this Court in the case of “***Dharam Chand & Ors. Vs. State of J&K & Ors.***” **2015 (3) JKJ (HC) 39**”.
4. As pleaded in the writ petition in para-2, the petitioners are recorded co-sharers having their respective share in the land measuring **16 kanals and 1 marla** comprised in **Khasra No. 2240/562** at village Taraf Tajwal, Tehsil and District Kathua.
5. It is their this proprietary land which the petitioners found to come under the brunt of impugned **Order No. CK/SQ/2018-19/1752-68 dated 27.11.2018** of the Deputy Commissioner, Kathua leading them to come up with the present writ petition bearing the following prayers :-

a) **Writ of Certiorari quashing the order no. CK/SQ/2018-19/1752-68 dated 27-11-2018 issued by the respondent no.2 by virtue of which a general order has been issued for cancellation of mutations and revenue entries with respect to proprietary land of the petitioners measuring 2 kanal falling under khasra no.2240/562 situated at village Taraf Tajwal, Tehsil and District Kathua by attributing the provision of**

Water Resources in the District and removal of encroachment over the land which have been shown as "Gair Mumkin Khad" without determining whether the land which is recorded as "Gair Mumkin Khad" owned and possession by the petitioners is the proprietary land or the State land used as water course.

b) With further Writ of Prohibition prohibiting the respondents from dispossessing the petitioners from the land falling under Khasra no.2240/562 land measuring 2 kanal situated at village Taraf Tajwal, Tehsil and District Kathua, which is the proprietary land of the petitioners though has been recorded inadvertently as "Gair Mumkin Khad" without acquiring the land or paying compensation.

c) With further Writ of Prohibition prohibiting the respondents from dispossessing the petitioners or taking over the possession by any mode including the installation of chain link fencing the land owned and possessed by the petitioners thereby authorizing any government or private agency to take over the possession by dispossessing the petitioners."

6. This writ petition remained long awaiting reply/response from the respondents' end which finally same came to be filed on **04.10.2024** with reply/objections coming forth from the end of the writ respondents No. 1 to 3 supported by an affidavit of the Tehsildar, Kathua who then was Mr. Vikram Kumar.

7. In para-3 of the reply/objections, Tehsildar, Kathua has referred that '*Misal Haqiyat*' for 1979-80 BK, Khasra

Girdawari for Kharif 1980, 2000 and Rabi 2024 with respect to land measuring 16 kanals and 01 marla of Khasra No. 2240/562 situated at Village Taraf Tajwal, Tehsil and District Kathua establishes ownership of Randhir Singh and others with the petitioners' purported share being 14 kanals and 02 marla. In fact, even individual share wise entitlement of all the five petitioners has also been spelled out in para-3.

8. Thus, it stood confirmed as a fact even from the end of Tehsildar, Kathua that the land in reference is a proprietary land but the nature being reflected as 'Gair Mumkin Khad'.
9. Now, how and when a water body came to run through the soil surface or found running through the petitioners' proprietary land is a matter which is to come only from the revenue records as to whether the original Jamabandi of 1979-80 BK is recording and reflecting the nature of land of the khasra numbers to be as 'Gair Mumkin Khad' or as an agriculture land only to suffer change of nature of soil later with some diversion or change of course of a running water body later.
10. Be that as it may, the fact remains that the property in aforesaid khasra numbers is the recorded ownership property of the petitioners.
11. In the light of the reply so filed from the end of the respondents No. 1 to 3 through Tehsildar, Kathua, this Court, in terms of an order dated **20.11.2024**, directed the **Deputy Commissioner, Kathua** to file an affidavit with

regard to completion of delineation exercise for identifying the water bodies by or before next date of hearing.

12. While this direction for the Deputy Commissioner, Kathua was in operation awaiting filing of affidavit from his end, this Court, in terms of an order dated **27.05.2025**, directed the Tehsildar, Kathua along with Patwari concerned to appear along with relevant record in person.
13. Tehsildar, Kathua and Patwari concerned have not come forward in their appearance in compliance to the direction given by this Court in order dated **27.05.2025**.
14. In the meantime, on behalf of the Deputy Commissioner, Kathua, requisite affidavit is said to have been filed by Mrs. Monika Kohli, learned Senior Additional Advocate General through e-file mode vide **No. AJK20240002921D202501529** dated **03.06.2025** contrary to this office noting dated **02.09.2025** which reflects that no such affidavit has been filed on behalf of the Deputy Commissioner, Kathua although even, learned counsel for the petitioners is said to have got a copy of said affidavit.
15. This Court summoned the concerned officials of the Filing Counter to apprise them about the goof up in their reporting.
16. Ms. Nazia Fazal, learned Assisting Counsel to Mrs. Monika Kohli, learned Sr. AAG has shared for the perusal of this Court physical copy of the **Deputy Commissioner,**

Kathua's requisite affidavit which is bearing reference to its attestation by the Naib Tehsildar, Executive Magistrate 1st Class, P.A. to **Deputy Commissioner, Kathua** attesting the affidavit on **02.06.2025**. The attestation reads as under:-

"Certified that Sh. **Rakesh Minhas, Deputy Commissioner, Kathua** who is identified by Sh. **Major Kumar., Jr. Assistant D. C. Office, Kathua** witnessed by Sh. _____ presented this affidavit before me today **2nd** day of **June, 2025** and I administered Oath to him, who Swore/Solemnly affirmed to the contents of this affidavit.

sd/
Naib Tehsildar
Executive Magistrate Ist Class
(P A to Deputy Commissioner)
Kathua"

17. This Court gets posed with a situation warranting examination as to whether the affidavit so filed by the Deputy Commissioner, Kathua is a duly attested or not so as to be taken on record.
18. This aspect prompts this Court to have examination of the legal position relating to affidavit so as to ward off casual understanding related to attestation and filing of affidavits for judicial as well as non-judicial purposes.
19. An affidavit is a legally defined word in **Section 3(3) of the General Clauses Act, 1897** meaning that an **affidavit shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing.**
20. As per Black's Law Dictionary, 6th Edition, word '**affidavit**' is more practically defined to be a written or printed declaration or statement of facts, made voluntarily, and confirmed by the oath or affirmation of the party making it,

taken before a person having authority to administer such oath or affirmation.

21. A person who makes and subscribes to an affidavit is known as an affiant/deponent.
22. Thus, an **affidavit**, both by statutory as well as settled legal understanding, is essentially meant to affirm and declare facts or a factual statement from the end of an affiant and/or deponent.
23. This essential nature of an affidavit being fact/s seeking gets confirmation from the observations of the Hon'ble Supreme Court of India in the case of **"Ranjit Singh Vs The State of Pepsu (now Punjab)" 1959 AIR (SC) 843** wherein in connection with an affidavit filed in a habeas corpus writ petition, the Hon'ble Supreme Court of India came to observe in para 4 that **when there is no question of fact to be examined or determined, no affidavit is needed but as soon as there emerges a fact into which the Court feels it should enquire, the necessity for an affidavit arises.**
24. In the case of **"M. Veerabhadra Rao Vs Tek Chand," 1985 AIR SC 28**, the Hon'ble Supreme Court of India, in para 17 of its judgment, came up with the understanding of affidavit in the following manner:-

"17. The expression 'affidavit' has been commonly understood to mean a sworn statement in writing made especially under oath or on affirmation before an

authorized Magistrate or officer. Affidavit has been defined in sub clause (3) of the General Clauses Act, 1897 to include affirmation and declaration in the case of person by law allowed to affirm or declare instead of swearing. The essential ingredients of an affidavit are that the statements or declarations are made by the deponent relevant to the subject matter and in order to add sanctity to it, he swears or affirms the truth of the statements made in presence of person who in law is authorized either to administer the oath or to accept the affirmation.”

25. An affidavit, per se, as a document is a three-dimensional one. First and foremost is the declaration of fact/s meant to be made therein by an affiant/deponent, second is the affirmation and declaration to be ascribed by given affiant/deponent with respect to such declaration of fact/s to be so made, and third one is the administering of oath and affirmation to the affiant/deponent by and before person authorized to administer oath/affirmation.
26. It is with respect to third dimensional aspect of an affidavit that this court is examining the legal position so as to cleanse the accumulated misconceptions.
27. Two important relatable words to an affidavit are ‘Oath’ and ‘Swear’. Both are legally defined words. **General Clauses Act, 1897** provides definitions for **“oath” and “swear”**.
28. **Section 2(37) defines ‘Oath’ as under: -**

“**Oath** shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing.”

29. **Section 2(62) defines ‘Swear’ as under:-**

Swear with its grammatical variations and cognate expressions, shall include affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing.”

30. As per Black’s Law Dictionary, 6th Edition, the word ‘**affirmation**’ is described as a solemn and formal declaration or asseveration that an affidavit is true, and the word ‘**Swear**’ is defined as to put on oath; to administer an oath to a person.

31. Now, before enactment of the **Oaths Act, 1969**, it is the **Indian Oaths Act, 1873** which was holding the field with respect to law relating to judicial oaths, affirmations and declarations.

32. In the case of “**Indar Prasad & Anr. vs. Jagmohan Dass & Anr.**” 1927 Privy Council 165, the evolution of affirmation in the context of **Indian Oaths Act, 1873** came to be dealt with. However, there was no express provision obtaining in the **Indian Oaths Act, 1873** with respect to affidavit and the affirmation and declaration related thereto but, nevertheless, affidavit attestation related aspect was getting attended by reference to section 4 of the **Indian Oaths Act, 1873** as gets confirmed in para 5 of the judgment of the Hon’ble Supreme Court of India in the case of “**Ranjit Singh Vs The State of Pepsu (now Punjab),**”

1959 AIR (SC) 843. Para 5 is reproduced for reference's sake:-

"Section 4 of the Oaths Act lays down the authority to administer oaths and affirmations and it prescribes the courts and persons authorised to administer by themselves or by their officers empowers a that behalf oaths and affirmations in discharge of the duties or in exercise of the powers imposed upon them and they are all courts and persons having by law the authority to receive evidence. Section 5 prescribes the persons by whom oaths or affirmations must be made and they include all witnesses i.e. all persons who may lawfully be required to give evidence by or before any court. These two sections show that the High Court or its officers were authorised to administer the oath and as the appellant was stating facts as evidence before the High Court he had to make the oath or affirmation and was bound to state the truth. Section 14 of that Act is in the following words :

"S. 14. Every person giving evidence on any subject before any Court or person hereby authorised to administer oaths and affirmations shall be bound to state the truth on such subject."

As the appellant was giving evidence on his own behalf in that he was denying the allegation made in the affidavit of the brother of Surjit Singh he was bound to state the truth on the subject on which he was making

the statement. The contention therefore that under S. 191 of the Indian Penal Code the relevant portion of which is:

S. 191. "Whoever being legally bound by an oath or by an express provision of law to state the truth..... Makes any statement which is false and which he either knows or believes to be false or does not believe to be true, is said to give false evidence."

the appellant was not legally bound by oath to state the truth cannot be supported. On the other hand at the stage of the proceedings in the High Court where it was being alleged that Surjit Singh was being detained by the appellant illegally it was necessary for the appellant to make an affidavit in making a return and therefore if the statement is false, as it has been found to be, then he has committed an offence under S. 193.

33. It is only in the **Oaths Act, 1969**, which came to be repeal the Indian Oaths Act, 1973, that an expression provision related to affidavit attestation came to be provided.
34. Before coming to deal with operative understanding of section 3 of the **Oaths Act, 1969**, this court needs to refer a sideline fact for the sake of perspective that when the State of Jammu & Kashmir was in existence, as one of the States of Union of India before the Jammu & Kashmir Reorganization Act, 2019, it used to be **the Judicial Oath Rules Svt., 1950 (1894 A.D.)**, and not the Oaths Act, 1969, dealing with matter of administration of oaths and

affirmations but that too was without bearing any express/specific provision for affirmation and declaration related to an affidavit per se although under the Jammu & Kashmir General Clauses Act, Svt., 1977 (1920 A.D.), the word **affidavit** was defined identically defined as is under **the General Clauses Act 1897.**

35. In the case of **Ghulam Mohd. Vs Hari Chand, 1978 Cr.L.J 299**, learned Singh Bench of this Court has referred to the status of the **Judicial Oath Rules Svt., 1950 (1894 A.D.)** operating in the then State of Jammu & Kashmir and issue of attestation of affidavit/s for the proceedings under the Jammu & Kashmir Code of Criminal Procedure, Svt., 1989 (1933 AD). Excerpt of para 3 of the judgment in this regard is reproduced herein next, “ **The learned counsel for the petitioner herein further submitted that the above mentioned judgment of the Supreme Court was mainly based on the interpretation of S.4 of the Oaths Act, 1969 but as the Oaths Act was not applicable to the State of Jammu and Kashmir the facts appearing in and the law applicable to the case before the Supreme Court were obviously different from those appearing in the instant case, and therefore, the principle of law enunciated therein was not applicable to the case at hand. This contention of the learned counsel for the petitioner herein is also without any force, as admittedly the Oaths Act though not applicable to the State of Jammu and Kashmir, but the State of Jammu and Kashmir has framed Rules namely, the Judicial**

Oath Rules, 1950, which are almost an exact copy of the provisions of the Oaths Act in force in the rest of the country. Rules 3 and 4 of the Judicial Oaths Rules of the State are in particular the exact copy of Ss.3 and 4 of the Oaths Act, 1969, and as Ss.3 and 4 of the Oaths Act have been considered in regard to this matter in AIR 1977 SC 407: (1977 Cri. LJ 249), (supra) case the reasoning given therein is ipso facto applicable for the interpretation of the Rules 3 and 4 of the Judicial Oaths Rules of the State. The distinction tried to be drawn by the learned counsel for the petitioner herein between the Act in force outside the State and the Rules prevalent in the State is misconceived as there appears to be no justification for making such a distinction.

36. On the other hand, right from inception **the J&K Code of Civil Procedure, Svt., 1977 (1920 A.D.)**, which was in operation in the State of Jammu & Kashmir as it used to be before J&K Reorganization Act, 2019, in terms of its **section 139** it provided by whom an oath on **affidavit** to be administered but then same was meant and restricted only with respect to **affidavit** envisaged and required to be filed under the said Code.
37. Under the **Rules And Orders For Guidance of Courts Subordinate to the High Court Svt. 1978 (Civil), Chapter XIII** came to provide provisions for affidavits' form and attestation thereof by court, Magistrate or other officer administering the oath or affirmation.

38. J&K Code of Civil Procedure, Svt., 1977 (1920 A.D.) was replica of the Code of Civil Procedure 1908.

39. Likewise, in the **Code of Civil Procedure, 1908**, in terms of its section 139, an identical provision is meant with respect to an affidavit. Section 139 of the Code of Civil Procedure, 1908 reads as follows:-

“Section 139. Oath on affidavit by whom to be administered:-

In the case of any affidavit **under this Code—**

- (a) any Court or Magistrate, or
- (aa) any notary appointed under the Notaries Act, 1952 (53 of 1952); or]
- (b) any officer or other person whom a High Court may appoint in this behalf, or
- (c) any officer appointed by any other Court which the State Government has generally or specially empowered in this behalf, may administer the oath to the deponent.”

40. By reference to sections 122 and 129 of the J&K Code of Civil Procedure Svt., 1977 (1920 A.D.) then being in force in the State of Jammu & Kashmir, read with enabling powers under said Code, firstly the Jammu & Kashmir High Court Rules 1975 repealed and now replaced by existing **Jammu & Kashmir High Court Rules of 1999** came to provide for appointment of **Oath Commissioner** for administering of oath and affirmation under section 139 (b) of the Code of Civil Procedure or **under any other provision of law** providing for such appointment.

41. Section 139 of the J&K Code of Civil Procedure, Svt., 1977 (1920 AD) read as below:

“139. Oath or affidavit by whom to be administered.

In the case of any affidavit under this Code-

(a) any Court or Magistrate, or

(aa) any notary appointed under the Notaries Act, 1952; or

(b) any officer or other person whom the High Court may appoint in this behalf, or

(c) any officer appointed by any other court which the Government has generally or specifically empowered in this behalf, may administer the oath to the deponent.”

42. Thus, an authority/office of Oath Commissioner came into legal arena in the erstwhile State of Jammu & Kashmir under aegis of the Jammu & Kashmir Code of Civil Procedure Svt., 1977 (1920 A.D.), and now continuing as it is in the UT of Jammu & Kashmir and UT of Ladakh under the Code of Civil Procedure 1908 for discharging and doing the envisaged role & duty.
43. On the other hand, in so far as the requirement of filing an affidavit under the J&K Code of Criminal Procedure Svt., 1989 (1933 A.D.) in the erstwhile State of Jammu & Kashmir, it was governed under sections 510-A and 539.
44. Sections 539 to 539-AA of the **Jammu & Kashmir Code of Criminal Procedure Svt., 1989** (1933 A.D.) provided affidavits and affirmations to be used before any court in the State to be sworn and affirmed before such court or any magistrate or other court in the State.

45. Thus, an affidavit required and permitted to be filed under the Jammu & Kashmir Code of Criminal Procedure Svt., 1989 (1933 A.D.) was admissible to be affirmed only before the **court or magistrate**, and no other person even excluding a Notary under the Notaries Act, 1952 or Oath Commissioner appointed under the Jammu & Kashmir High Court Rules, 1999 or the previous Rules of 1975.
46. Upon repeal of the Jammu & Kashmir Code of Criminal Procedure Svt., 1989 (1933 A.D.) getting replaced by the **Code of Criminal Procedure, 1973**, filing of an affidavit in any court under the Code was permissible to be sworn or affirmed before any Judge, or any Judicial or Executive Magistrate, or any Oath Commissioner appointed either by the High Court or Court of Session, or even by a notary appointed under the Notaries Act, 1952.
47. **Notaries Act, 1952**, becoming fully applicable in the then State of Jammu & Kashmir w.e.f. 15/08/1968, in terms of its section 8 (1)(a) to (i) dealing with functions of Notaries provides in its sub section 1(e) for a Notary **to administer oath to, or take affidavit from, any person.**
48. Though **Notaries Act, 1952** does not expressly provide as to how and before whom to administer affirmation and declaration related to an affidavit but it impliedly empowers a Notary to administer affirmation to and to be declaration from affiant/deponent, by being vested with power to take an affidavit and that is the reason that section 139 of the Code of Civil Procedure, 1908 and section 297 of the Code

of Criminal Procedure, 1973 provided attestation of an affidavit by a notary.

49. It would be safe to state here that it is only in **the Oaths Act, 1969** that an express provision came to be provided for administration of oath and affirmation for the purpose of **affidavit** to which end Section 3 of the Oaths Act, 1969 came up with introduction of sub section 2.

50. **Section 3 of Oaths Act, 1969** reads as below: -

“Section3. Power to administer oaths: -

(1) The following courts and persons shall have power to administer, by themselves or, subject to the provisions of sub-section (2) of section 6, by an officer empowered by them in this behalf, oaths and affirmations in discharge of the duties imposed or in exercise of the powers conferred upon them by law, namely:-

- (a) all courts and persons having by law or consent of parties authority to receive evidence;
- (b) the commanding officer of any military, naval, or air force station or ship occupied by the Armed Forces of the Union, provided that the oath or affirmation is administered within the limits of the station.

(2) Without prejudice to the powers conferred by sub-section (1) or by or under any other law for the time being in force, any court, Judge, Magistrate or person may administer oaths and affirmations for the purpose of affidavits, if empowered in this behalf—

- (a) by the High Court, in respect of affidavits for the purpose of judicial proceedings; or

- (b) by the State Government, in respect of other affidavits”.

51. Now, before drawing out correct understanding of sub section 2 of the Oaths Act, 1969, Sections 4, 5 and 6 also need to be reproduced and referred first and same read as under:-

“Section 4: - Oaths or affirmations to be made by witnesses, interpreters and jurors:-

(1) Oaths or affirmations shall be made by the following persons, namely:

- (a) all witnesses, that is to say, all persons who may lawfully be examined, or give, or be required to give, evidence by or before any court or person having by law or consent of parties authority to examine such persons or to receive evidence;
- (b) interpreters of questions put to, and evidence given by, witnesses; and
- (c) jurors:

Provided that where the witness is a child under twelve years of age, and the court or person having authority to examine such witness is of opinion that, though the witness understands the duty of speaking the truth, he does not understand the nature of an oath or affirmation, the foregoing provisions of this section and the provisions of section 5 shall not apply to such witness; but in any such case the absence of an oath or affirmation shall not render inadmissible any evidence given by such witness nor affect the obligation of the witness to state the truth.

(2) Nothing in this section shall render it lawful to administer, in a criminal proceeding, an oath or affirmation to the accused person, unless he is

examined as a witness for the defence, or necessary to administer to the official interpreter of any court, after he has entered on the execution of the duties of his office, an oath or affirmation that he will faithfully discharge those duties.

Section 5. Affirmation by persons desiring to affirm:-

A witness, interpreter or juror may, instead of making an oath, make an affirmation.

Section 6. Forms of oaths and affirmations:-

(1) All oaths and affirmations made under section 4 shall be administered according to such one of the forms given in the Schedule as may be appropriate to the circumstances of the case:

Provided that if a witness in any judicial proceeding desires to give evidence on oath or solemn affirmation in any form common amongst, or held binding by, persons of the class to which he belongs, and not repugnant to justice or decency, and not purporting to affect any third person, the court may, if it thinks fit, notwithstanding anything hereinbefore contained, allow him to give evidence on such oath or affirmation.

(2) All such oaths and affirmations shall, in the case of all courts other than the Supreme Court and the High Courts, be administered by the presiding officer of the court himself, or, in the case of a Bench of Judges or Magistrates, by any one of the Judges or Magistrates, as the case may be.”

52. Section 6 of the Oaths Act, 1969 has forms given in Schedule. Form No.4 lays out forms of oath and affirmation with respect to affidavit.
53. A close discernment of section 3 (1) of the Oaths Act, 1969 would show that it is fully co-related and co-purposed with section 4 in the sense that oaths and affirmations

envisaged in sub section 1 of section 3 are meant and prescribed for **witnesses, interpreters** and/or **jurors** being the entities related to trial of cases, be it civil/criminal. Section 6 of the Oaths Act, 1969 clearly confirms this aspect of understanding related to sub section 1 of section 3 of the Oaths Act, 1969.

54. In fact, there is a very intelligible aspect obtaining in sub-sections 1 & 2 of Section 3 of the Oaths Act, 1969. While Section 3 (1)(a) refers only to the **courts** and the empowered **persons** to have the power to administer oath and affirmation, on the other hand with respect to attestation of an affidavit, sub-section 2 of Section 3 comes mentioning four expressions i.e., **Court, Judge, Magistrate** or **Person** for which one can discern an underlying legislative wisdom in naming four entities i.e., court, Judge, Magistrate and Person related to administration of oath and affirmation with respect to an **affidavit** in terms of sub section 2.
55. As per Section 3(1)(a) of the Oaths Act, 1969, only **courts** and **empowered persons** have the power to administer oaths and affirmations in discharge of the duties imposed or in exercise of the powers conferred upon them by law. The exclusive expression "**court**" in section 3(1) of the Oaths Act, 1969 is linked to **witnesses, interpreters** and/or **jurors** mentioned in Section 4 who are supposed to bear oath/affirmation in relation to a case before given court which is, thus, made competent to administer the requisite oath/affirmation and not to pass on said role and responsibility to any other court, Judge or Magistrate.

56. A conjoint reading of sections 3(1), 4 and 6 of the Oaths Act, 1969 would confirm the reference of exclusive expression **court** in contradistinction to use of expression **court, judge, magistrate** or **person to be authorized** in sub section 2 of section 3.
57. This Court needs not to engage itself with further probation of Sections 3(1), 4 and 6 of the Oaths Act, 1969 as the examinational issue in the present case is relatable to sub-section 2 of Section 3 with respect to affidavits to be furnished for the purpose of **judicial proceedings** and **non-judicial purposes**.
58. Expression “**judicial proceedings**” mentioned in section 3(2) (a) has not been defined in the **Oaths Act, 1969** for obvious reason that **judicial proceeding** is legally well-known and understood expression at the end of laity as well as legal minds.
59. In most simple manner, the expression ‘**judicial proceeding**’ has been defined in the Black’s Law Dictionary to mean a proceeding in a legally constituted court. Additionally, it further defines it as the course prescribed to be taken in various cases for the determination of a controversy or for legal redress or relief.
60. Though expression “**judicial proceeding**” was defined in section 2 (i) of the Code of Criminal Procedure, 1973 (now under section 2(m) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, but the expression ‘**judicial proceedings**’ as used in section 3(2) of the Oaths Act, 1969 would not

borrow its meaning from Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 given definition but is to have an expansive meaning as a proceeding in any court/tribunal of law irrespective of hierarchy.

61. Section 3(2) of the Oaths Act, 1969 opens up saying that without prejudice to the powers conferred by sub section (1) or by or under any other law for the time being in force, which in present context would, thus, mean under the Code of Civil Procedure 1908 as well as Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 the affidavit related attestation to continue to be done and effected as prescribed under said two laws but with respect to judicial proceedings under other dispensations of law where there is no express provision provided therein, then section 3(2) is meant to fully govern the affidavit related attestation.
62. Filing of an affidavit in any given judicial proceeding is either a requirement of a particular statute under which judicial proceeding in a court or forum of law is meant to be conducted or it may be solicited by a given court/forum for any given purpose in relation to judicial proceeding conducted by and before it.
63. In this regard, section 139 of the Code of Civil Procedure, 1908 read with different **Orders** namely **VI**, **XI** and **XIX** etc., in the Code of Civil Procedure 1908 and then under section 333 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 (akin to 297 of the Code of Criminal Procedure 1973) are prime and routine examples of statute prescribed and

mandated affidavits. There are and can be hosts of other statutes requiring filing of affidavits in connection with judicial proceedings undertaken in relation thereto.

64. On the other hand, under Jammu & Kashmir High Court Rules, 1999 in terms of **Chapter XVI (Rules 177 to 185)**, affidavit filing is the court's prescribed and required regime.
65. Rule 181 of High Court Rules, 1999 provides before whom an affidavit intended for use in the High Court to be sworn. Rule 181 is reproduced herein next, "**An affidavit intended for use in the Court may be sworn before any authority mentioned in Section 139 of the Code or before any officer of the court, or before the Presiding Officer of any court or before a Magistrate or a Sub Registrar or before an Oath Commissioner, appointed under these rules.**"
66. High Court Rules, 1999 in rule 3 provides Interpretation and in sub rule 1(h) means **Court** to be the High Court of Jammu & Kashmir and Ladakh. Thus, word **Court** as used in Rule 181 is meaning to be the High Court of Jammu & Kashmir and Ladakh.
67. Likewise rule 5 of the **Writ Proceeding Rules, 1997** is related to an affidavit to be filed in support of writ petition and provides as under:

"Every petition shall be signed by the petitioner(s) and his Advocate. In case the petitioner happens to be illiterate, his thumb impression should be attested by the Advocate. The petition shall be supported byan

affidavit or affidavits, as in Schedule I appended to these rules, verifying the facts stated therein by reference to the numbers of the paragraphs of the petition containing the facts. It shall be drawn up in the name of first person and shall be attested by an Oath Commissioner.

While administering oath to the deponent, the Oath Commissioner shall indicate that the contents of the petition were read over to the deponent in the language understood by him and were admitted to be correct

68. Very opening introduction of the **High Court Rules, 1999** is important to be noticed and is, thus, reproduced which is, **“In exercise of the powers conferred by Article 225 of the Constitution of India and Section 75 and 77 of the Jammu & Kashmir Reorganization Act, 2019 (Central Act 34 of 2019) read with Sections 122 and 129 of the Code of Civil Procedure, 1908, Section 8 of the Jammu and Kashmir State Civil Courts Act, Samvat 1977 and Clause 26 of the Letters Patent (Jammu & Kashmir) and all other powers enabling it in this behalf, the High Court of Jammu & Kashmir and Ladakh with the previous approval of the Lieutenant Governor, promulgates and issues, with respect to practice and procedure to be followed at the High Court, the following rules, namely.....”**
69. High Court Rules, 1999 *per se*, with respect to **Chapter XVI on Affidavits**, do not expressly draw from **the Oaths Act, 1969** but same is to be impliedly read. It is by reference **to all other powers enabling** in the very opening recital as Introduction of the **High Court Rules, 1999** that

the power of the High Court of Jammu & Kashmir and Ladakh to nominate the authorities to administer oath and affirmation with respect to affidavit/s to be filed in judicial proceedings, be it before it and/or all other courts, is to be now held traceable by reference to section 3(2)(a) of the **Oaths Act, 1969**.

70. Now, section 3(2) of Oaths Act, 1969 does not require a High Court to empower court, Judge and/or Magistrate as they are self-empowered by **the Oaths Act, 1969** to administer oath and affirmation for the purposes of an affidavit.
71. A Magistrate is one of three declared authorities who can administer oath and affirmation with respect to an affidavit to be used in judicial proceedings. Said Magistrate can be either Judicial or Executive as constituted now under Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, previously under the Code of Criminal Procedure, 1973.
72. It is only with respect to **any other person** as being a non-judicial entity as mentioned in Section 3(2)(a) of the Oaths Act, 1969 for being vested with power to administer oath and affirmation in respect of affidavit for the purposes of judicial proceedings that a High Court is reserved the authority to empower such a person.
73. The authorization so vested in a High Court under section 3(2) of the Oaths Act, 1969 to empower **any other person** for affidavit attestation in terms of section 3(2)(a) of the Oaths Act, 1969 is in addition to already vested

authorization in a High Court under section 139 (b) of the **Code of Civil Procedure, 1908** whereby any officer or other person can be appointed for attestation of affidavit purpose but then that would be and is to be for affidavits to be filed under the Code of Civil Procedure.

74. Thus, Section 3(2)(a) of the Oaths Act, 1969 is a pan jurisdiction enabling provision with respect to an affidavit related affirmation and declaration in connection with **judicial proceedings** without prejudice to section 139 of the Code of Civil Procedure, 1908 and/or section 333 of BNSS 2023 which are self-identifying the authorities competent to administer oath and affirmation with respect to affidavit/s meant to be used under said two statutes.
75. To sum up the situation in a simple statement, an affidavit meant to be filed in a judicial proceedings can be routinely affirmed and declared by any deponent/affiant before any court, Judge and/or Magistrate per se and there cannot be any refusal from a given court, Judge or Magistrate upon being approached by an affiant/deponent in administering oath and affirmation with respect to such an affidavit meant for production in any given judicial proceeding before any court of law.
76. Now, reason in use of four distinct expressions namely **court, Judge, Magistrate** or **person** in sub section 2 of section 3 is to be understood.
77. In so far as an affidavit being required in a judicial proceeding from a litigant or any other person related with

a lis before any given court, irrespective of the hierarchy, is concerned, then such an affidavit if attested by the presiding officer of the same very court would be case of attestation of affidavit by the **court**.

78. If an affidavit required from a litigant or person related with a lis would get attested by Judge, not being presiding officer of the court seized of the lis in which affidavit is to be filed, then that would be case of attestation of affidavit by a **Judge** which would include civil/criminal side jurisdiction Judge rather than by court.
79. Likewise, if an affidavit required in a judicial proceeding is presented by an affiant/deponent before any Magistrate for the purpose of production in a judicial proceeding before different court/tribunal, then the attestation of such an affidavit would be said to be by **Magistrate**, be it judicial or executive.
80. Likewise, **any person** empowered and appointed by the High Court to be an Oath Commissioner is to administer oath and affirmation with respect to an affidavit to be submitted in a judicial proceeding and for that end is also the person to be approached as a matter of right by a deponent/affiant.
81. Interestingly, while **Writ Proceeding Rules, 1997**, in terms of rule 5 require only Oath Commissioner attested affidavit to be filed in support of writ petition/application, but for reply/objections from other side to such a writ

petition/application, the requirement of affidavit in support is provided in Rules 185 of the High Court Rules, 1999.

82. Rule 185 provides as under:

Application or petition supported by affidavit shall likewise be supported by affidavit:-

“Facts asserted by a party showing cause against any appeal, application or petition supported by affidavit shall likewise be supported by affidavit, whether the facts asserted be in contradiction of the facts asserted in support of the same or be fresh matter. Such affidavit may be presented before the date fixed for the hearing of the appeal, application or petition.”

83. Thus, an affidavit required to be filed under Rule 185 of the High Court Rules, 1999 can be attested not only by an Oath Commissioner but also by a Presiding Officer of any court or a Magistrate and even as also by a Notary Public as he is one of the persons competent under section 139 of the Code of Civil Procedure, 1908 to attest an affidavit. **This calls for refinement of Writ Proceeding Rules, 1997 as well as the High Court Rules, 1999 to iron out the creases.**

84. Rule 186 of the High Court Rules, 1999 is the mode by which the Hon’ble Chief Justice of this Court is empowered to appoint Oath Commissioner for administering oath and affirmation with respect to affidavit by reference to section 139(b) of the Code of Civil Procedure, 1908 or **under any other provision of law** providing for such an appointment.

A person so appointed as an Oath Commissioner is, thus, authorized only to attest an affidavit for by administering oath and affirmation only for judicial purpose and judicial proceedings.

85. **Rule 186. Appointment of Oath Commissioner:-**

“The Chief Justice shall appoint Oath Commissioner for the purpose of administering Oaths and affirmations under clause (b) of section 139 of the Code of Civil Procedure or under any other provision of law providing for such appointment, at the Headquarters of each District, Sub-Division and a Tehsil. The Oath Commissioners appointed under this Rule shall have the authority to attest affidavits in accordance with the Rules prescribed or the Instructions issued in this behalf.”

86. It becomes compulsive for this Court to advert to Section 3(2)(b) of the Oaths Act, 1969 which envisages the State Govt., to appoint person/s as oath commissioner/s for affidavit/s for **“Other Purposes”** which obviously are for non-judicial purposes as are required for ‘n’ number of situations from citizens/subjects in relation to legal/administrative matters concerning their person and property.

87. In para 23 of its judgment in the case of **“M. Veerabhadra Rao Vs Tek Chand,” 1985 AIR (SC) 28**, the Hon’ble SC has referred to distinction between an affidavit in judicial proceedings and non-judicial proceedings and context of

attestation. Relevant excerpt from para 23 is reproduced as under:

“23. Provisions contained in Chapter II in Part VI of the Bar Council of India Rules of 1975 prescribe 'Standards of Professional conduct and Etiquette'. In the preamble to this part, it is stated that 'an advocate shall, at all times, comport himself in a manner befitting his status as an officer of the Court, a privileged member of the community, and a gentleman, bearing in mind that what may be lawful and moral for a person who is not a member of the Bar, or for a member of the bar in his non-professional capacity may still be improper for an advocate.' There follows enumeration of the conduct expected of a member of the profession. It is, however, made clear that the rules in Chapter-II contained canons of conduct and etiquette adopted as general guides; yet the specific mention thereof shall not be construed as a denial of the existence of others equally imperative though not specifically mentioned. It Inter alia includes that an advocate shall not act on the instructions of any person other than his client or authorized agent. If Mulchand followed the respondent as admitted by the appellant to his office and if Mulchand presented the forged documents to the Income-tax Officer, one can say that the appellant has acted to the detriment of his client at the instance of an outsider whose interest was detrimental to his client. But apart from anything else, under Rule 34 of the Civil Rules of Practice if the appellant was authorized to administer oath in respect of affidavits to be used in judicial proceedings, in the absence of any authorization by the State of Andhra Pradesh, the appellant could not have subscribed to an affidavit claiming to be authorized by Rule 34 in respect of an affidavit not likely to be used in a judicial proceeding. **An affidavit to be placed before an income-tax Officer for claiming an income-tax clearance certificate could not be said to be one sworn in for the purpose of being used in judicial proceedings, under the Oaths Act. In the absence of any authorization from the State Government, the appellant would not have the power to attest an affidavit which could be used in a proceeding other than judicial proceeding. One can legitimately expect an advocate of 10 years standing to know that under Rule 34, the appellant was not entitled to attest an affidavit which includes administration of oath which was likely to be used in a proceeding other than a judicial proceeding and yet he pretended to act in his assumed capacity, arrogated to himself the jurisdiction which he did not possess and attested the affidavit in the name of**

someone whom he knew personally and who was not present before him personally and successfully mislead the Income-tax Officer to issue the income-tax clearance certificate. Add to this that he made a blatantly false statement in the proceedings of disciplinary enquiry that the respondent had appeared before him and admitted his signature. This is not only a false statement but it is false to his knowledge. If this is not professional misconduct, it would be time to wind up this jurisdiction."

88. In the case of "**Nawal Kishore Sharma Vs State,**" 1985 **AIR (Patna) 293**, a Division Bench of High Court of Patna came to deal with situation of authorization for attestation of non-judicial purpose affidavits by striking down the notification of the State Govt., purportedly issued under section 3(2)(b) of the Oaths Act, 1969 requiring the Judicial Magistrates First Class to attest affidavits of Freedom Fighters relatable to Pension Scheme. Hon'ble Patna High Court came to hold that in so far as the State Govt., had authorized the Block Development Officers and Circles officers to be Oath Commissioners for attestation of affidavits for said purpose, said authorization was valid.
89. Such other-purpose affidavits, for sure, are not meant and permissible to be attested by any Court, Magistrate or Judge unless a particular Statute requires it to be so attested by a Judge, Magistrate or Court.
90. Section 3(2)(b) of the Oaths Act, 1969 envisages State Govt., to empower a person to administer oaths and affirmations for the purposes of **other affidavits.**
91. Section 3(2)(b) of the Oaths Act, 1969 can be resorted to by State Govt., either to authorize the Oath Commissioner/s

already appointed by the High Court otherwise for attestation of affidavits related to judicial proceedings, for doing attestation of other affidavits as well and/or empower other public servants including Executive Magistrates for the purposes of attestation of other affidavits for the facility of General Public.

92. In this regard, attention is drawn to judgment of the High Court of Rajasthan in the case of **“Kailash Chandra Vs State of Rajasthan,” 1994 AIR (Raj) 177** dealing with appointment of Oath Commissioner for attestation of affidavit for Other Purposes. Para 4 is reproduced as under:-

“4. A couple of notaries are appointed under section 3, notaries act, 1952 by the central and state governments and they are available mostly at the district headquarters. Persons residing at distant places from the district headquarters have to travel a long distance and incur expenses to approach them to administer oaths and affirmation for the purposes of affidavits to be used in non - judicial proceedings (income - tax, sales tax, transport, mines, food and civil supplies, housing board, municipality, election etc'). Public is also required to pay more to them by way of notary stamp and fees. Realising these difficulties and their monopolistic attitude, state government issued the said notification under section 3 (2) (b) , oaths act, 1969 empowering all oath commissioners appointed by the rajasthan high court, rajasthan board of revenue, district and sessions judges and collectors to administer oaths and affirmations for the purposes of affidavits to be used in non-judicial proceedings also. These oath commissioners are even available at the tehsil headquarters. The number of oath commissioners appointed in a district is many times the number of notaries.”

93. To the best of notice of this Court, in the UT of J&K as well as UT of Ladakh, the respective Governments have not appointed Oath Commissioner/s for other purpose meant affidavits' attestation which invariably constrain and lead the affiants/deponents with respect to other affidavits to approach Judicial Magistrate/s for attestation of such like affidavit/s.
94. Though for attestation of other affidavits required for whatsoever purpose and by whomsoever authority, Notary Public is fully authorized to do the attestation and any such affidavit, if so attested by a Notary Public, cannot be refused to be accepted while requiring an affidavit from a particular person for a particular purpose, this court is fully cognizant that there may not be sufficient number of Notary Public available to do attestation work related to affidavits in different region of UT of J&K and UT of Ladakh and otherwise also prescribed Notary Fees for affidavit attestation may be higher not affordable by every affiant/deponent, so need for Oath Commissioners appointed by the Govt., is there for the Govt. of UT of J&K and UT of Ladakh to realize the deficit to be made good.
95. Thus, this Court calls upon Governments of UT of J&K and UT of Ladakh through their respective Law Secretaries to examine the matter at their respective end and submit status report on this aspect within three months' period from herein to the learned Registrar General of the High Court of Jammu & Kashmir and Ladakh who shall then submit his report on the file of this case.

96. Now coming to the attestation of affidavit in the present case, Naib Tehsildar, P.A. to Deputy Commissioner, Kathua, by purportedly identifying himself to be the Executive Magistrate, has attested the affidavit of Deputy Commissioner Kathua filed in the case without disclosure of his name being vested with power as an Executive Magistrate.
97. Adjudication of writ petition is a judicial proceeding in every sense of meaning and, therefore, affidavit solicited by this Court from the Deputy Commissioner, Kathua ought to have been either attested i.e., affirmed and declared before an Oath Commissioner appointed by the High Court under **rule 186 of the J&K High Court Rules, 1999 or before a court, Judge or Magistrate or for that matter before a Notary Public**. Now, a “Magistrate” may be a Judicial or Executive, but then for an Executive Magistrate to do the attestation of affidavit for judicial proceedings, there needs to be a mention vide which Govt. Order a particular Public Servant has been so vested with power and authority of Executive Magistrate which has not been done in this case by the Naib Tehsildar (PA to Deputy Commissioner, Kathua) purportedly attesting affidavit as an Executive Magistrate.
98. As a matter of fact, a Deputy Commissioner of a District is *ex-officio* District Magistrate and by that reference can claim to be competent to self-attest his own affidavit but then this privilege of self-attestation may not be available with respect to an affidavit to be furnished by a Deputy Commissioner in a judicial proceeding.

99. Now, this Court is not sure about the appointment of PA to Deputy Commissioner Kathua as being Naib Tehsildar being vested with executive magisterial power for enabling him to attest the affidavit of the Deputy Commissioner Kathua for being filed in the case in hand before this Court.
100. Now, sacrosanctity attending filing of an affidavit in judicial proceedings is not a matter of casual attention and act both on the part of an affiant/deponent as well as Notary/Oath Commissioner/Court/Judge/Magistrate administering oath/affirmation in the attestation of a given affidavit.
101. In para 39 & 40 of its judgment in the case of **Umesh Kumar Vs State of AP, (2013) 10 SCC 591**, the Hon'ble SC has observed as under:-

“39. Attestation of the undated affidavit is in utter disregard to the provisions of Section 139 of the Code of Civil Procedure, 1908. (hereinafter referred to as the ‘CPC’). The Supreme Court Rules 1966 under Order XI, Rule 7 also require adherence to the provisions of Section 139 CPC. Hence, his reply is not worth taking on record and being undated, renders the same to be a piece of waste paper.

40. The definition of ‘affidavit’ in Section 3(3) of the General Clauses Act 1897 provides that it “shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing”. Thus, it is an essential characteristic of an affidavit that it should be made on oath or affirmation before a person having authority to administer the oath or affirmation, and thus, duty to state on oath on the part of the deponent is sacrosanct. Same remains the position in

respect of administration of oath as required under the Oaths Act 1873.

(See: Krishan Chander Nayar v. The Chairman, Central Tractor Organisation & Ors., AIR 1962 SC 602 : 1961 Legal Eagle (SC) 279 ; Chhotan Prasad Singh & Ors. v. Hari Dusadh & Ors., AIR 1977 SC 407 : 1976 Legal Eagle (SC) 449 ; and M. Veerabhadra Rao v. Tek Chand, AIR 1985 SC 28 : 1984 Legal Eagle (SC) 290).”

102. In the case of **“V.R.Kamath Vs Divisional Controller, Kant. State Road Transport Corp.,” 1997 AIR (Kant) 275**, the observations of the High Court of Karnataka in para 6 need reference and reproduction:

“6. Thus, when a Notary/Oath Commissioner administers an oath/affirmation, he is mandatorily required to enter the name and particulars as prescribed and obtain the signature of the deponent in their registers. Such entries are required to be made seriation by assigning a separate serial number for each transaction. The prescribed procedure for attesting affidavits makes it clear that making of endorsements on the affidavit and recording the particulars and obtaining the signature in the Register, is an integral part of the act of attestation or act of administering oath/ affirmation. It, therefore, follows that while making necessary endorsements in the affidavit, the Attesting Officer will have to mention the reference number of the transaction (as entered in the Register) in the endorsement made at the end of the affidavit. It is also necessary that the Attesting Officer should mention his address to show the place where the affidavit is attested. Judicial notice can be taken of the fact that only some of the Notaries and Oath Commissioners note the serial number (reference number) of the attestation as entered in their Register in the affidavit/document and state their address while making the endorsement. In most of the affidavits, it is seen that merely the official seal of the Notary is affixed and the endorsement that "the affidavit is sworn to or solemnly affirmed in his presence" is made, giving only the date of attestation and the name of the Notary Public. The serial number of the transaction and the place of attestation (address) is not mentioned. Having regard to

the requirement of the relevant Rules, this is insufficient. For attestation or administration of oath/affirmation to be complete, necessary particulars have to be entered and signatures affixed in the Register and the endorsement made on the affidavit should contain the serial number of the transaction as entered in the Register and also contain the place of attestation (address of the Notary/Oath Commissioner). Mentioning the serial number of the transaction (as entered in the Register) in the affidavit while making the endorsement of attestation is the only way of ensuring that a record of attestation is maintained by the Oath Commissioner/Notary. This requirement is also evident from a combined reading of the relevant provisions governing the matter. Unless the transaction particulars are entered, and the signatures are affixed in the Register as required, and the serial number of the transaction in the Register and the place of attestation (address) are mentioned in the endorsement made, the act of administration of oath/affirmation will be incomplete, and it cannot be said that in such circumstances the affidavit is duly attested. It will be a defective affidavit.”

103. Insofar as, the attestation done by the Naib Tehsildar, Executive Magistrate 1st Class, P.A. to Deputy Commissioner, Kathua with respect to the affidavit so filed by the Deputy Commissioner, Kathua is concerned, the same is by use of stamp certificate which in itself is deficient in the eyes of law as the administration of oath and affirmation by the Deputy Commissioner, Kathua has not been mentioned to be true with respect to the contents of the affidavit. It is this lacuna in the attestation which needs to be looked into in future particularly by use of stamp attestation.
104. Nevertheless, this Court calls upon the Deputy Commissioner, Kathua to place on record a copy of Govt. Order on the basis of which Naib Tehsildar (PA to Deputy

Commissioner, Kathua) has been authorized to be an Executive Magistrate.

105. Mrs. Monika Kohli, learned Sr. Additional Advocate General is, thus, directed to place on record a copy of any such order whereby Naib Tehsildar (PA to Deputy Commissioner, Kathua) is vested with the power of Executive Magistrate under the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023(Code of Criminal Procedure, 1973).
106. This Court reminds Ms. Nazia Fazal, learned Assisting Counsel to Mrs. Monika Kohli, learned Senior Additional Advocate General that on the next date of hearing, let Tehsildar, Kathua along with the Patwari concerned remain present in person, in compliance to the order dated 27.05.2025 passed by this Court.
107. Copy of this order be provided to Ms. Nazia Fazal, learned Assisting Counsel to Mrs. Monika Kohli, learned Senior Additional Advocate General, for compliance.
108. Mr. G.S. Thakur, learned counsel for the petitioners has referred to **‘disposed of’ WP(C) No. 2172/2021** connected with **WP(C) No. 2361/2021** disposed of vide order dated **08.04.2022** bearing identical issue.
109. Let record of the said two petitions be also tagged with the present writ petition.
110. List in continuation on **23.12.2025** with liberty to make a mention.

111. The learned Registrar Judicial, Jammu to forward a copy of this order to **Law Secretary of UT of Jammu & Kashmir** as well as to the **Law Secretary of UT of Ladakh** for notice and compliance at their respective end as directed in terms of para 95 hereinabove.
112. The learned Registrar General, High Court of Jammu & Kashmir and Ladakh is requested to circulate a copy of this order to all the learned Principal District & Sessions Judges of UT of Jammu & Kashmir as well as of UT of Ladakh for the purpose of onward circulation to all the Judicial Officers/Magistrates in their respective districts/sessions.

(RAHUL BHARTI)
JUDGE

JAMMU
02.12.2025

Muneesh