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IN THE HIGH COURT OF DELHI AT NEW DELHI

(EXTRA ORDINARY ORIGINAL JURISDICTION)

WRIT PETITION (CIVIL) NOOF 2018

IN THE MATTER OF A PUBLIC INTEREST LITIGATION:

Centre for Accountability and Systemic Change

(C.A.S.C.)& Anr. ...Petitioners

Versus

Registrar General & Anr. ...Respondents

INDEX

S. No.	**Particulars**	**Pages**
1.	Notice of Motion	
2.	Urgent Application	
3.	Court Fee	
4.	Memo of Parties	
5.	Brief Synopsis	
6.	List of Dates and Events	
7.	Writ petition under Article 226/227 of the Constitution of India along with Affidavits	
8.	ANNEXURE-P-1 True Copy of Board Resolution of Petitioner No. 1 for filing of the present	

Bar and Bench (www.barandbench.com)

	petition	
9.	ANNEXURE P-2 True Copy of Chart showing environmental impact by saving of papers as per data of fresh filing ofcases in last one month	
10.	ANNEXURE P-3 True Typed Copy of News Report dated 05.08.2018 published in the Times of India detailing amendment in Rules of Hon'ble High Court of Madhya Pradesh	
11.	Vakalatnama	

Place : New Delhi
Dated: .08.2018

Gaurav Pathak
Counsel for the Petitioners
17, Central Lane, Bengali Market
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Enrolment No.- D/1286/2016

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NOTICE OF MOTION

To,

1. The Registrar General through Standing Counsel
   High Court of Delhi
   Shershah Road, New Delhi-3

2. Secretary, Ministry of Law & Justice through
   Standing Counsel, 4th Floor, A Wing, Shashtri Bhawan
   New Delhi-1

Dear Sir,

The undersigned is filing the accompanying Writ Petition before the Hon'ble Delhi High Court. The matter is likely is to be listed before Hon'ble High Court on .08.2018 or immediately thereafter. This is for your information.

Thanking You

Delhi Gaurav Pathak
Dated: .08.2018 Counsel for the Petitioners

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COURT FEES

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URGENT APPLICATION

Sir,

Kindly treat the accompanying Petition under Article 226/227 of the Constitution of India as an urgent one as per High Court Rules and Orders.The ground of urgency is as under: -

“This is an Urgent Writ of Mandamus wherein Petitioner is seeking amendment in practice directions of Delhi High Court and sub-ordinate courts for the protection of Environment."

Place : Delhi Gaurav Pathak

Dated: .08.2018 Counsel for the Petitioners

Bar and Bench (www.barandbench.com)

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MEMO OF PARTIES

1. Centre for Accountability & Systemic Change (C.A.S.C.)
   Through its Trustee
   104, Oriental House,
   20, Yusuf Sarai Community Centre
   New Delhi-49
2. Shaivika Agrawal, B.Tech
   D/o Sh. Vinod Agrawal
   R/o B-501, Antriksh NatureApartments, Sector 52 , Noida,
   Uttar Pradesh …Petitioners

Versus

1. Registrar General

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High Court of Delhi

Shershah Road

New Delhi-3

2. Ministry of Law and Justice (Legal Affairs)

Through its Secretary

4th Floor, A Wing

Shastri Bhawan, New Delhi-1 …….Respondents

Place : Delhi

Dated: .08.2018

Gaurav Pathak
Counsel for the Petitioners
Enrol No. D/1286/2016
17, Central Lane, Bengali Market
New Delhi-1
Mob.9717214619
E-mail: gauravpathak@vasglobal.co.in

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BRIEF SYNOPSIS

The present Public Interest Litigation is being filed to protect the environment by saving of papers and right to healthy living and clean environment of every person, available to them under Article 21 of the Constitution of India.

Hon'ble High Court of Delhi, and all sub-ordinate courts in Delhi use one sided paper, with double spaced typing and wide margins, which cause huge paper consumption. As per various reports, it takes approximately 10 liters of water to create a piece of paper.One generic estimate to use for the conversion is 8333.3 sheets of virgin paper per tree. That number reflects only the raw material, however, and does not include the water or energy involved.

Paper products make up the largest component of municipal solid wastes India is one the biggest waste-creators and more than 1 lakh metric ton of waste paper is generated every day. Delhi has become a gas chamber and is alone responsible for 8300 metric tons of waste paper every day. Usage of waste paper in India is at 27 per cent only, which means that 67 per cent of the paper is totally wasted.

On a national scale, 13914226 and 113012 new cases have been filed in the sub-ordinate courts and High Courts alone. Considering all these cases to be of mere 50 pages, using single sided prints, a total of 601775200 pages were used. Had double side prints been used, it would have saved approx. 36,108 trees along with 3008876000 liters of water.

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One sided printing came into practice only because in earlier times typewriters were used and the papers used be thin. Consequently, double side prints were not feasible due to printing marks coming all on the paper. However, modern day printers are efficient and the paper quality has increased.

As per a report by Niti Aayog, Delhi and 20 other cities in India are likely to run out of groundwater by 2020. Mandating double side print would halve the requirement of paper, which is in line with the idea of Digital India and will also save the space required to store them.

The Hon'ble High Court of Madhya Pradesh on 30.12.2016 amended its Rules to allow filing of double sided prints. Also, research shows that using line spacing as 1.5 instead of 2 causes 25 per cent savings of paper. Hence, there is now no reason to not use double sided prints.

HENCE, THE PRESENT WRIT PETITION

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LIST OF DATES AND EVENTS

10.07.1967	Delhi High Court (Original Side) Rules, 1967 notified. Typewriter era rules mandated using double spaced typing on one sided standard petition paper with 4 cm margin on top and left side.
15.05.1992	Order of Hon'ble Supreme Court in M.C. Mehta v. Union of India (1992) 3 SCC 256"Utter disregard to environment has placed Delhi in an unenviable position of being the world's third grubbiest, most polluted and unhealthy city as per a study conducted by the World Health Organisation. Needless to say that every citizen has a right to fresh air and to live in pollution-free environments."
2009	Delhi High Court stated with its first e-court
2010	Ruth Anne Robbins, a Law Professor at Rutgers University, New Jersey, United States wrote a paper titled "Conserving the Canvas: Reducing the Environmental Footprint of Legal Briefs by Re-Imagining Court Rules and Document Design

Bar and Bench (www.barandbench.com)

	Strategies" in 2010 wherein she discussed ways to reduce paper usage in courts.
30.12.2016	News Report stating that the Hon'ble High Court of Madhya Pradesh has amended its Rule and has allowed filing of double sided papers.
01.03.2018	Commencement of Delhi High Court (Original Side) Rules, 2018. Rules mandate using double spaced typing on one sided A4 paper with 3 cm margin on top and left side. Margin of 2 cm in the bottom and 1 cm on the right side.
04.07.2018	Observation of this Hon'ble Court in Order dated 04.07.2018 in W.P.(C) 6680/2018 "alarming levels of air pollution in Delhi have been reached; the traffic congestion on the Delhi roads is proverbial; there is no land for dumping solid wastes in Delhi and sewage system is antiquated and unable to bear even the existing load and water and electricity supply in short supplies is common knowledge."

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HENCE THE PRESENT PETITION

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IN THE MATTER OF:

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF NECESSARY WRIT, ORDER OR DIRECTION IN THE NATURE OF*MANDAMUS* OR OF ANY OTHER NATURE THEREBY ALLOWING TWO SIDED PRINTS IN ALL PLEADINGS & ANNEXURES BEFORE THIS HON'BLE COURT AND SUBORIDNATE COURTS IN DELHI.

TO

HON'BLE THE ACTING CHIEF JUSTICE AND

HER COMPANION HON'BLE JUDGES

OF THE HIGH COURT OF DELHI

AT NEW DELHI.

THE HUMBLE PETITION OF THE

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PETITIONERS ABOVE NAMED

MOST RESPECTFULLY SHOWETH:

1. The Petitionershave no personal interest in the litigation and that the petition is not guided by self-gain or for gain of any other person /institution/body and that there is no motive other than public interest in filing the writ petition.
2. That the sources of knowledge of the facts alleged in the writ petition are the notifications and information issued by Hon'ble High Court of Delhi, Hon'ble High Court of Madhya Pradesh and other public documents, with respect to which the Petitionershave done its research.
3. That the petition is being filed on behalf of all the citizens and especially the litigants, advocates, and judges who are direct stakeholders in the justice delivery system. The Petitioners pray for allowing double sided pages to be used in the judiciary in order to save natural resources, which will benefit everyone.
4. That the institutions likely to be affected by the orders sought in the writ petition are the Registrar General, High Court of Delhi and Ministry of Law and Justice, Government of India. Thus, they are Respondent No.1 and Respondent No.2 respectively in the writ petition. As per the knowledge of the Petitioners, no other persons/ bodies/ institution is likely to be affected by the orders sought in the writ petition.
5. That, Petitioner No. 1 is a think tank registered under the Indian Trusts Act, 1882 with Reg. No. 118, Reg. Year 2018-19, Book No.

Bar and Bench (www.barandbench.com)

4 Vol. No. 325 on Page 132 to 144 at Sub Registrar, Hauz Khas, New Delhi. The Registered Office of the Petitioner No. 1 organization is at 104, Oriental House, 20, Yusuf Sarai Community Centre, New Delhi-49. The PAN Card No. of Petitioner No. 1 organization is AACTC2555N. The Email ID of the Petitioner No. 1 organization is cascindia@gmail.com and the Telephone Number is 011-41680131. The Petitioner No. 1 organization is working towards governance and judicial reforms. In pursuit of its goals, the organizations routinely assists various constitutional authorities. On the basis of representations made by members of Centre for Accountability and Systemic Change (C.A.S.C.), the Election Commission of India notified Instructions on Social Media in October 2013, and the Government of India notified IT & Email Policy for government officials. The petition is being filed through Ms. Shruti Gupta a humanities student and also the Trustee of the Petitioner organization. Petitioner No. 2 is an engineer interested in environmental engineering. Petitioner No. 2 is a part of Association of Energy Engineers through which she contributes towards making the ever becoming technical world more environmentally friendly. She also takes part in tree plantation drives and is a citizen conscious towards protecting the environment.

True Copy of Board Resolution authorizing its Trustee to file the present petition is attached herewith as **ANNEXURE P-1**

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6. That the Petitionershave not sent any representation with respect to the same subject-matter to any authority considering the urgent nature.
7. That the Petitionershave not filed any petition before this Hon’ble Court or any other court with respect to the same subject matter.
8. That the Petitionershave means to pay cost, if any, imposed by this Hon’ble Court.
9. That the brief facts leading to the filing of present petition are as under-

9.1 That the Hon'ble High Court of Delhi started its first e-court in 2009. The aim of the e-court court was to save as many papers and in furtherance to the same, many courtrooms were subsequently made paperless.

9.2 That even in e-court matters, the original file is first printed, upon which signatures are done and then they are scanned and transferred to a CD through which it is uploaded onto the court system. Moreover, the Counsels generally carry paper books for themselves, as well as the original record in original is to be kept for 7 years. It is also a fact that not all courts are paperless, and usually the Registry keeps two sets of the papers. Thus, even though there appears to be saving of papers, the same is small.

9.3 That in the subordinate judiciary, the filings are accepted on one sided printed paper, which in turn create a storage crunch considering the huge backlog. The High Court also has a storage

Bar and Bench (www.barandbench.com)

crunch and since 2009begun digitizing its earlier records and destroying the hard copy of the same.

9.4 That the earlier practice directions under the Delhi High Court (Original Side) Rules, 1967 as well as Delhi High Court (Original Side) Rules, 2018 mandate submissions to be made on one sided paper. Rule 1 of Chapter III of Delhi High Court (Original Side) Rules, 2018 states,

"Proceedings how written.-(a) Every plaint, written statement, application, petition and the like presented to Court:—

(i) shall be in English;

(ii) shall, subject to Annexure C to these Rules, be fairly and legibly type written, lithographed or printed in double spacing on one side of A4 size white paper with an inner margin of about three centimeters width on top and on the left side, one centimeter on the right side and two centimeters on the bottom;"

9.5 That a total of 43,065 fresh cases have been filed in the Delhi District Courts in the last one month alone. Considering each case to have only two parties, then at least 6 sets of files, i.e. two for Court, one each for Counsel of both parties, one for each party will be required. Considering an average filing to be of mere 50 pages, then also a minimum of 39,19,500 papers will be required. Using double sided prints would have saved approx. 2352 trees with respect to fresh filing in one month alone.Similarly, 19597500

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liters of water would have been saved had 1959750 papers had not been used.

9.6 That a total of 5887 fresh cases have been filed before this Hon'ble Court in the last month alone. Considering each case to have only two parties, then at least 6 sets of files, i.e. two for Court, one each for Counsel of both parties, one for each party will be required. Considering an average filing to be of mere 50 pages, then also a minimum of 17,66,100 papers will be required**.**Using double sided prints would have saved approx. 1060 trees with respect to fresh filing in one month alone. Similarly, approx. 8830500 liters of water would have been saved had 883050 papers had not been used.

9.7 That on a national scale, 13914226 and 113012 new cases have been filed in the sub-ordinate courts and High Courts alone. Considering all these courts to be using single sided prints, a total of 601775200 pages were used. Had double side prints been used, it would have saved approx. 36,108 trees along with 3008876000 liters of water.

9.8 That all the above instances use bare minimum figures to highlight the quantum of paper consumed in the Courts. The reality is that numerous IAs are also routinely filed, which themselves run into hundreds of pages.

True Copy of Chart showing Data w.r.t. fresh filing ofcases in last one month is attached herewith as **ANNEXURE P-2.**

Bar and Bench (www.barandbench.com)

9.9 That Ruth Anne Robbins, a Law Professor at Rutgers University, New Jersey, United States wrote a paper titled "*Conserving the Canvas: Reducing the Environmental Footprint of Legal Briefs by Re-Imagining Court Rules and Document Design Strategies"* in 2010 wherein she discussed ways to reduce paper usage in courts. As per the same

i. Printing on a piece of paper involves several natural resources. The most obvious is trees. Another is the energy that it takes to produce paper. A third resource that most people can easily appreciate as precious, even if they don't normally connect it to paper production, is water.

ii. The number of pages per tree depends on the size and type of the tree, one generic estimate to use for the conversion is 8333.3 sheets of virgin paper per tree. That number reflects only the raw material, however, and does not include the water or energy involved.

iii. Paper production also involves a great deal of energy consumption, when you add up the costs of logging, transportation, and the conversion of wood pulp to paper product. A 2002 study and report, repeated for re-release in 2010, calculated that the paper industry is the fourth highest source of carbon dioxide emissions.

iv. Water is used in the papermaking process to create pulp, to wash out contaminants, and to again wash the pulp after it has been bleached. According to one estimate, it takes

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approximately 10 liters of water (2.6 gallons) to create a piece of paper.

v. According to the most recent statistics published by the Office of Waste in the United States Environmental Protection Agency, paper products make up the largest component of municipal solid wastes.

10. That India is one the biggest waste-creators and more than 1 lakh metric ton of waste paper is generated every day. Delhi alone is responsible for 8300 metric tons of waste paper every day. Usage of waste paper in India is at 27 per cent only, which means that 67 per cent of the paper is totally wasted. Using half the paper would also take some pressure off from the problem of solid waste management. Though paper is bio-degradable, yet the process takes years and unnecessary consumption should be avoided in the first place.

11. That under the above facts and circumstances, Petitioner is filing the present petition on the following amongst other grounds: -

GROUNDS:

A. Because considering the fact that a healthy environment is a fundamental right under Article 21 of the Constitution, and saving paper would mean saving trees and water.

B. Because considering the fact that one sided printing came into practice only because in earlier times typewriters were used and

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the papers used be thin. Consequently, double side prints were not feasible due to printing marks coming all on the paper. However, modern day printers are efficient and the paper quality has increased. Hence, there is now no reason to not use double sided prints.

C. Because considering the fact that the Hon'ble High Court of Delhi, and all sub-ordinate courts in Delhi use one sided paper, with double spaced typing and wide margins, which already cause a lot of paper consumption. Mandating double side print would halve the requirement of paper, which in turn will also save the space required to store them.

D. Because this Hon'ble Court has already taken laudable steps like non filing of paper books vide Notification no. 147/Rules/DHC dated 22.3.2011, and mandating double sided print would be in furtherance to its own actions.

E. Because considering the fact that e-courts are the way forward but switching to double sided prints, while progressing towards e-courts is going to cause no harm.

F. Because considering the fact that the Hon'ble High Court of Madhya Pradesh has already directed for all pleadings and annexures to be submitted on double sided pages vide amendment of its Rules on 30.12.2016.

True Copy of News Report dated 05.08.2018 published in the Times of India detailing amendment in Rules of Hon'ble High

Bar and Bench (www.barandbench.com)

Court of Madhya Pradesh is attached herewith as **ANNEXURE P-3.**

G. Because considering the fact that this Hon'ble Court in its Biennial Report for 2010-12 has stated *"The work of Institution Clerk has been totally computerized which not only saves the time but also saves wastage of paper".*

H. Because considering the fact that using single prints increases the cost of litigation, and eventually the papers are disposed of. This Hon'ble Court in its Biennial Report for 2010-12 has stated *"Till July, 2011, with the weeding of records, the waste paper generated was sold to the Agency which was paneled for the purpose and till March, 2012, with the physical destruction of digitally signed 7,366 files plus few weeded out files of different branches, a sum of Rs. 1,11,000/- was generated from the sale and is deposited with the Treasurer of this Court."*

I. Because considering the fact that this Hon'ble Court in its Biennial Report for 2010-12 has also stated *"The High Court of Delhi is the pioneer in introducing e-Courts in the Country with the vision to make it completely paper less Court right from the process of filing of cases till their disposal. To take a step further, it has been proposed to completely dispense with the printing of hard copies of cause lists as the e-copies of cause lists are already being sent to more than 3,000 advocates in their e-mail IDs apart from made available on the website of this Court. This step will not only serve the objective of makingthis Court a paperless and environment*

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friendly Court but will also save a huge amount of hard earned money of the tax payer."

J. Because considering the fact that judges, lawyers, and litigants are used to reading two sided prints in form of magazines, books etc. Following the same process in court is not going to bring in any radical change which may cause any inconvenience.

K. Because considering the fact that most printer these days have the double sided printing facility and there is no technological bar to having two sided prints used for all purposes.

L. Because considering the fact that the Hon'ble Prime Minister of India has also said that the "it takes ten liters of water to manufacture an A4 paper". By using double sided prints, the Courts would double the efforts towards protection of the environment.

M. Because research shows that using line spacing as 1.5 instead of 2 causes 25 per cent savings of paper. Similarly, using smaller fonts cause 30 per cent savings of paper.

N. Because considering the fact that emulating this Hon'ble Court, lawyers, litigants and also the courts elsewhere may adopt the practice of double sided prints, which will be beneficial to the environment.

O. Because considering the fact that this Hon'ble Court while injuncting the State from cutting trees for building projects videOrder dated 04.07.2018 in W.P.(C) 6680/2018 had observed, "alarming levels of air pollution in Delhi have been reached; the

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traffic congestion on the Delhi roads is proverbial; there is no land for dumping solid wastes in Delhi and sewage system is antiquated and unable to bear even the existing load and water and electricity supply in short supplies is common knowledge."

P. Because this Hon'ble High Court in various matters had protected the right to clean environment and had directed for stopping of stubble burning in Delhi and its neighboring states

Q. Because considering the fact that as per a report by Niti Aayog, Delhi and 20 other cities in India are likely to run out of groundwater by 2020. In such a scenario, it is incumbent upon every person to save natural resources. Hence, the Hon'ble High Court by mandating two sided prints can be an instrument of change.

11. That there is no other equally efficacious alternate remedy available to the Petitioners for the relief prayed for in this petition.

PRAYER

In view of the above facts and circumstances, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to issue:-

i. a writ in the nature of *Mandamus* thereby directing the Registry of this Hon'ble Court and all sub-ordinate Courts in Delhi to mandate using double sided pages for all pleadings and annexures;

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ii. a writ in the nature of *Mandamus* thereby directing the Union Ministry of Law & Justice to issue an advisory egarding using double sided pages in all courts;

iii. any other writ, order or direction, which may be deemed fit and proper in the facts and circumstances of the case and in the interest of justice, may also be passed.

Petitioners

Through

Place : Delhi
Dated: .08.2018

Gaurav Pathak
Counsel for the Petitioners
Enrol No. D/1286/2016
17, Central Lane, Bengali Market
New Delhi-1
Mob.9717214619
E-mail: gauravpathak@vasglobal.co.in

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Versus

Registrar General & Anr. ...Respondents

AFFIDAVIT

I, Shruti Gupta aged 19 years, D/o Virag Gupta, Trustee of Centre for Accountability and Systemic Change (C.A.S.C.) having its Office at 104, Oriental House, 20, Yusuf Sarai Community Centre, New Delhi-49 do hereby solemnly affirm and declare as under:

1. That I am Petitioner in the present Writ Petition and as such am familiar with the facts of the case and thus competent to swear this affidavit.
2. That the accompanying Writ Petition has been drafted under my instructions and that the contents of synopsis, list of dates and events and Para Numbers to and to of the Writ Petition are true and correct to my knowledge based on my Personal knowledge and the records maintained by me in the ordinary course. The legal averments mentioned at Para Number are based on the legal advise received and believed to be correct. The prayer clause is the

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humble prayer to this Hon'ble Court. The Petitioner has means to pay costs, if any, imposed by the Hon'ble Court.

3. That the contents of the accompanying Writ Petition may be read as part and parcel of the instant affidavit and the same are not being repeated herein for the sake of brevity.
4. That the annexures filed alongwith the instant Writ Petition are true copies of their respective originals.

DEPONENT

VERIFICATION:

Verified at New Delhi on this the day of 2018 that the contents of the above affidavit are true and correct to my knowledge. No part of it is false and nothing material has been concealed there from.

DEPONENT

Bar and Bench (www.barandbench.com)

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Versus

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AFFIDAVIT

I, Shaivika Agrawal aged 23 years, D/o Sh. Vinod Agrawal, R/o B-501, Antriksh Nature Apartments, Sector 52 Noida, presently at New Delhi do hereby solemnly affirm and declare as under:

1. That I am Petitioner in the present Writ Petition and as such am familiar with the facts of the case and thus competent to swear this affidavit.
2. That the accompanying Writ Petition has been drafted under my instructions and that the contents of synopsis, list of dates and events and Para Numbers to and to of the Writ Petition are true and correct to my knowledge based on my Personal knowledge and the records maintained by me in the ordinary course. The legal averments mentioned at Para Number are based on the legal advise received and believed to be correct. The prayer clause is the humble prayer to this Hon'ble Court.

Bar and Bench (www.barandbench.com)

The Petitioner has means to pay costs, if any, imposed by the Hon'ble Court.

3. That the contents of the accompanying Writ Petition may be read as part and parcel of the instant affidavit and the same are not being repeated herein for the sake of brevity.
4. That the annexures filed alongwith the instant Writ Petition are true copies of their respective originals.

DEPONENT

VERIFICATION:

Verified at New Delhi on this the day of 2018 that the contents of the above affidavit are true and correct to my knowledge. No part of it is false and nothing material has been concealed there from.

DEPONENT