NO. 24

Writ of Commission

(S.C.R., Order LIV)

IN THE SUPREME COURT OF INDIA

[Original Jurisdiction]

Case No...........................of 20 ....

[State of A.B.]   [Plaintiff]

Vs.

[State of C.D.]   [Defendant]

To

The Commissioner appointed to examine the undermentioned witnesses on behalf of

I,..............................., hereby appoint you and give you full power and authority to swear or affirm and diligently to examine on...................interrogatories and viva voce..........................as shall be produced before you as ....witness(es).............. on behalf of the said................in a certain Case No.......................of................ now pending in the Supreme Court (wherein) and I further command you that you do at certain days and places to be appointed by you for that purpose of which reasonable notice shall be given to all parties cause the said witness(es) to come before you and then and there examine and cross examine such witness(es) either upon oath or solemn affirmation which we hereby give you full power and authority to administer to such witness(es) in the form firstly specified at the foot hereof, and that you do take such examination and reduce the same into writing on paper; and when you shall have so taken the same you are to send the same before the (returnable date as given in the order for the issue of this commission) to the Registrar of the said Supreme Court closed up under your Seal together with such documents as shall be spoken to and marked exhibits and this writ.

And I further empower you to appoint if necessary, a competent interpreter to interpret such of the proceedings under this commission as you may deem necessary to have interpreted from or into the English language. And I further command you that the interpreter employed in interpreting the depositions of the said witness(es) to be examined by virtue of this writ shall, before he be permitted to act as such interpreter as aforesaid, take the oath or affirmation lastly specified at the foot hereof which I hereby give you power and authority to administer to such interpreter. And I do lastly order that parties to this suit do appear before you in person or by their pleaders.

Witnesses........................., Chief Justice of India at the Supreme Court, New Delhi, the ....day of .... in the year two thousand and .... Advocate-on-record for .... (Names of witnesses to be examined)

....

Registrar

NOTE 1- The Commissioner shall not be bound to execute this commission unless such a sum as he thinks reasonable be deposited with him for the expenses of executing the same and also of summoning the witnesses and defraying their travelling and other expenses.

NOTE 2- After the deposition of any witness has been taken down and before it is signed by him, it shall be distinctly read over, and, where necessary, translated to the witness in order that mistakes or omissions may be rectified or supplied. The deposition shall be signed by the witness and left with the Commissioner who shall subscribe his name and date of the examination.

Form of the oath or affirmation to be administered to the witness

I swear in the presence of Almighty God (or solemnly affirm) that the evidence which I shall give in this case shall be true, that I will conceal nothing, and that no part of my evidence shall be false.

So help me God.

Form of the oath or affirmation to be administered to the interpreter

I swear in the presence of Almighty God (or solemnly affirm) that I understand and speak the .... and English language, and that I will well and truly and faithfully interpret, translate and explain to the witness to be produced before the Commissioner, all questions and answers and all such matters as the Commissioner may require me to interpret and explain.

So help me God.

N.B. The Words "so help me God" are to be omitted when an affirmation is administered.

The execution of this commission appears by the Schedule hereunto annexed.