

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
(PUBLIC INTEREST LITIGATION PETITION)
WRIT PETITION (CIVIL) OF 2005
(Under Article 32 of the Constitution of India)

IN THE MATTER OF : -

Dr. Harsh Pathak
B-4/87/2 Safdarjung Enclave
New Delhi -29Petitioner

VERSUS

Union of India & Ors.Respondents.

PAPER BOOK
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ADVOCATE FOR THE PETITIONER : PRASHANT KUMAR

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Synopsis and List of Dates

That the petitioner is a Law Graduate ,Management Post Graduate with a Doctorate degree in International Business Administration and Commercial International Laws and is now working as a legal practitioner in this country. That the petitioner and his family are subscribers of various mobile phone companies. They are fed up with the unsolicited telemarketing calls made to them by the cellular phone, banking and host of other companies using telemarketing as strategy for business promotion. The petitioner is actively engaged in the areas of social concern with number of public spirited citizens of India in different forums , the petitioner is seeking your lordships leave to prefer a Writ Petition in public interest in this Hon'ble Court under Article 32 of the Constitution of India, for directions by the Hon'ble Court to the respondents to check, regulate and end the endemic invasion of privacy of the subscribers of mobile telephony services at all times and hours ,through such unsolicited calls. It is respectfully submitted that the lack of concern of the respondents towards public in general and subscribers in particular in addressing this issue is affecting the fundamental rights of the petitioner and other citizens as enshrined in the Article 14,19 and 21 of the Constitution of India. The instant petition is being preferred in the interest of public at large.

... After resisting the lure of a cell-phone for years, we have finally succumbed to the temptations of this prized possession. Since we value our privacy, we are selective in disclosing the cell-phone number among close friends, relatives and business associates. But among the first few calls that we get is from a

telemarketer, irrespective of our location and time, at our cost without our solicitation.

..... That as per the India Infoline Feature, Telecom Sector Update, India Infoline.Com . The Mobile telephony services are rapidly expanding and have contributed to approximately 86% of new subscriber additions in November 2004. The segment subscriber base grew 3.5% mn to 46mn. Of the total subscriber addition, almost 76% subscribers were added in GSM mobile segment and the balance 24% addition came from the CDMA segment. A true copy of the abovementioned is annexed as Annexure P-1.

... As per the information published in the BBC News net and video edition on Tuesday, 9 November, 2004 ;

“Indian mobile phone users have outnumbered fixed-line customers for the first time, according to the Telecom Regulatory Authority of India.

That the Mobile telephony services are rapidly expanding and have contributed to approximately 86% of new subscriber additions in November 2004.”

... That irrespective of the subscriber’s location and time amidst of their professional and personal engagements the cell phone companies and telemarketing companies keep on calling to the customer for their sales promotion pitch. For the

products in which the subscriber may not at all interested. This not only causes the huge cost to the customer if he is using the roaming services of the mobile phone service provider but also tantamount to the infraction of the subscriber's privacy.

... The use of telephone is a personal and private affair of the subscriber and any unsolicited intervention is subject to the intrusion of the subscriber's privacy. As the Apex Court has held in People's Union For Civil Liberties (PUCL) Vs. Union of India and Another, (1997) 1 SCC 301, that the right to privacy is allied to the fundamental rights under article 19 and 21 of the Constitution of India.

“The right to privacy- by itself- has not been identified under the Constitution. As a concept it may be too broad and moralistic to define it judicially. Whether right to privacy can be claimed or has been infringed in a given case would depend on the facts of the said case. But the right to hold a telephone conversation in the privacy of one's home or office without interference can certainly be claimed as “right to privacy.” Conversations on the telephone are often of an intimate and confidential character. Telephone conversation is a part of modern man's life. It is considered so important that more and more people are carrying mobile telephone instruments in their pockets. Telephone conversation is an important facet of a man's private life. Right to privacy would certainly include telephone

conversation in the privacy of one's home or office.

Telephone-tapping would, thus, infract Article 21 of the Constitution of India unless it is permitted under the procedure established by law.”

... The mobile telephony service providers and telemarketers are using the personal data of the subscriber for their business purpose as a product for sales promotion at the subscribers personal and financial cost. The subscribers' personal data which is available to the mobile telephony companies when used as a product for telemarketing construed to an unfair trade practice.

.... The Economic Times, Wednesday, November 26, 2003, reported the financial feasibility of telemarketing to the companies at the cost of the subscriber.

“If the current trend is any indication, the future is even brighter for telemarketing companies which means more harassment for those of us who value our privacy and our time.”

... The mobile telephony service providers and telemarketers are violating the law by using the personal data of the subscriber for their business purpose through their telecommunication services. They are not allowed to do so in the light of the Section 427 and 513 of The Indian Telegraph Rules, 1951

... The absence of the law pertaining to the telephone consumers and regulatory forum to which the consumer can approach to preserve the privacy. The subscriber's privacy is getting vulnerable by each passing day.

.... Such nuisance by the telemarketers is a problem world over. In United States to deal with this issue The Telephone Consumer Protection Act of 1991 ("TCPA") and Telemarketing and Consumer Fraud and Abuse Prevention Act of 1994, are in existence. In addition to this US federal government's decided to launch a "do not call" (DNC) registry to help harassed telephone owners avoid unwanted telemarketing calls. True Copies of the relevant paper cuttings, The Financial Express dated 01 July, 2003, The Economic Times dated 26 Nov. 2003, The Yahoo News dated 15 April, 2004, and The Hindu dated 08. Nov, 2004, The BBC News UK Edition dated 9 Nov. 2004, annexed herewith as Annexure P-2 (Colly)

Feb 2004 To protect the privacy of the telephone subscribers the United States Court of Appeal in MAINSTREAM MARKETING INC. Vs. FEDERAL TRADE COMMISSION, URL:
[Http://lawdns.wuacc.edu/ca10/cases/2004/02/03-1429.htm](http://lawdns.wuacc.edu/ca10/cases/2004/02/03-1429.htm). Uphold the FTC's prerogatives to protect the privacy of the subscriber and made the following observations.

“The Court emphasized the importance of individual privacy, particularly in the context of the home, stating that "the ancient concept that 'a man's home is his

castle' into which 'not even the king may enter' has lost none of its vitality."

“[A] special benefit of the privacy all citizens enjoy within their own walls, which the State may legislate to protect, is an ability to avoid intrusions. Thus, we have repeatedly held that individuals are not required to welcome unwanted speech into their own homes and that the government may protect this freedom.”

“Likewise, in Hill v. Colorado, the Court called the unwilling listener's interest in avoiding unwanted communication part of the broader right to be let alone that Justice Brandeis described as "the right most valued by civilized men." 530 U.S. 703, 716-17 (2000)”

.... Being aggrieved by the lack of reforms and regulations in the mobile telephony system in spite of numerous recommendations by numerous authorities made to the respondents, the petitioner seeks your lordships leave to prefer the instant petition under Article 32 of the Constitution of India.

... Hence this Writ Petition.

6. IDEA Cellular Limited
Through its General Manager
5-9-62 Khan Lateef Khan estate,
Fateh Maidan Rd, Hyderabad 500 001 . India
 7. Bharti Telenet Limited
Through its General Manager
D- 184 Okhla Industrial Area, Phase I,
New Delhi 110020.
 8. Citibank
Through its General Manager
DLF Square, M- Block
Jacranta Marg, DLF City
Phase II,Gurgaon-122002
 9. HSBC Bank
Through its General Manager
52/60, M.G. Road ,Fort
Mumbai 400001
 10. Standard Charter Bank
Through its General Manager
H-2,Connought Place
Delhi 110001
 11. HDFC Bank
Through its General Manager
Worli Sandoz House
Sandoz House
Anni Beasent Road
Mumbai 400018
 12. ICICI Bank
Through its General Manager
No.215
Free Press House
Free Press Marg
Nariman Point
Mumbai – 400 041
-Respondents

A PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE DIRECTION, ORDER OR WRIT INCLUDING WRIT OF MANDAMUS TO THE RESPONDENTS TO CHECK, REGULATE AND END THE ENDEMIC INVASION OF PRIVACY OF THE SUBSCRIBERS OF MOBILE TELEPHONY SERVICES AT ALL TIMES AND HOURS ,THROUGH SUCH

UNSOLICITED CALLS. IT IS RESPECTFULLY SUBMITTED THAT THE LACK OF CONCERN OF THE RESPONDENTS TOWARDS PUBLIC IN GENERAL AND SUBSCRIBERS IN PARTICULAR IN ADDRESSING THIS ISSUE IS AFFECTING THE FUNDAMENTAL RIGHTS OF THE PETITIONER AND OTHER CITIZENS AS ENSHRINED IN THE ARTICLE 14,19 AND 21 OF THE CONSTITUTION OF INDIA. ITE INSTANT PETITION IS BEING PREFERRED IN THE INTEREST OF PUBLIC AT LARGE.

A PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA

To,

The Hon'ble Chief Justice of India

and His Companion Justices of the Hon'ble Supreme Court of India.

The Humble petition of the petitioners above named: -

MOST RESPECTFULLY SHOWETH

1. That the petitioner is a Law Graduate ,Management Post Graduate with a Doctorate degree in International Business Administration and Commercial International Laws and is now working as a legal practitioner in this country. That the petitioner and his family are subscribers of various mobile phone companies. They are fed up with the unsolicited telemarketing calls made to them by the cellular phone, banking and host of other companies using telemarketing as strategy for business promotion. The petitioner is actively engaged in the areas of social concern with number of public spirited citizens of India in different forums , the petitioner is

seeking your lordships leave to prefer a Writ Petition in public interest in this Hon'ble Court under Article 32 of the Constitution of India, for directions by the Hon'ble Court to the respondents to check, regulate and end the endemic invasion of privacy of the subscribers of mobile telephony services at all times and hours ,through such unsolicited calls. It is respectfully submitted that the lack of concern of the respondents towards public in general and subscribers in particular in addressing this issue is affecting the fundamental rights of the petitioner and other citizens as enshrined in the Article 14,19 and 21 of the Constitution of India. The instant petition is being preferred in the interest of public at large.

2. That after resisting the lure of a cell-phone for years, we have finally succumbed to the temptations of this prized possession. Since we value our privacy, we are selective in disclosing the cell-phone number among close friends, relatives and business associates. But among the first few calls that we get is from a telemarketer say, mobile phone company, a credit card company, bank, insurance company offering free credit card membership or an auto finance company pitching for zero interest car loan options.
3. That if we believe this scenario is not clued to reality, think through our own cell-phone experience and those around us. No wonder, practically every cell-phone owner is getting paranoid about privacy. If telemarketing calls are today's scourge, it is only a matter of time before spam starts inundating the cell-phone.

4. That today a large number of common man from different walks of life using this telecommunication media and paying a reasonable cost in lieu of these services. As per the information published in the BBC News net and video edition on Tuesday, 9 November, 2004

“Indian mobile phone users have outnumbered fixed-line customers for the first time, according to the Telecom Regulatory Authority of India.

The number of mobile phone subscribers grew by 1.4 million to 44.9 million last month, overtaking the 43.9 million registered land line users, TRAI said.

The surge in mobile users reflects highly competitive tariffs offered by Indian operators.”

5. That as per the India Infoline Feature, Telecom Sector Update, India Infoline.Com dated December 09.2004, India's tele-density in November 2004 reached 8.4 with the subscriber base touching 90.3mn. During November 04, 1.79mn subscribers were added as against 1.74mn subscribers in October,04. Cumulative subscriber additions from April 04 to November 04 total up to more than 14mn. In the fixed segment, a total of 0.25mn subscribers were added during November 2004, taking the subscriber base of fixed lines to 44.3mn. In the mobile segment, total additions during the month totaled to 1.5mn with GSM additions of 1.17mn and CDMA additions of 0.37mn.

6. That the Mobile telephony services are rapidly expanding and have contributed to approximately 86% of new subscriber additions in November 2004. The segment subscriber base grew 3.5% mn to 46mn.

Of the total subscriber addition, almost 76% subscribers were added in GSM mobile segment and the balance 24% addition came from the CDMA segment. A true copy of the abovementioned is annexed as annexure P-1 .

7. That irrespective of the subscriber's location and time amidst of professional and personal engagements the cell phone companies and telemarketing companies keep on calling to the customer for their sales promotion pitch. For the products in which the subscriber may not at all interested. This not only causes the huge cost to the customer if he is using the roaming services of the mobile phone service provider but also tantamount to the infringement of the subscriber's privacy.
8. That the use of telephone is a personal and private affaire of the subscriber and any unsolicited intervention is subject to the intrusion of the subscriber's privacy. As the Apex Court has held People's union For Civil liberties(PUCL) Vs. Union of India and Another ,(1997) 1 SCC 301 in right to privacy is linked to the fundamental rights as enshrined in the article 19 and 21 of the Constitution of India.

“The right to privacy- by itself- has not been identified under the Constitution. As a concept it may be too broad and moralistic to define it judicially. Whether right to privacy can be claimed or has been infringed in a given case would depend on the facts of the said case. But the right to hold a telephone conversation in the privacy of one's home or office without interference can certainly be claimed as “ right to privacy.” Conversation on the telephone are often of an intimate and confidential character. Telephone conversation is a part of modern

man's life. It is considered so important that more and more people are carrying mobile telephone instruments in their pockets. Telephone conversation is an important facet of a man's private life. Right to privacy would certainly include telephone conversation in the privacy of one's home or office. Telephone-tapping would, thus, infract Article 21 of the Constitution of India unless it is permitted under the procedure established by law."

"Right to freedom of speech and expression is guaranteed under Article 19(1) (a) of the Constitution. This freedom means the right to express one's convictions and opinions freely by word of mouth, writing, printing, picture, or in any other manner. When a person is talking on telephone, he is exercising his right to freedom of speech and expression. Telephone-tapping unless it comes within the grounds of restriction under article 19(2) would infract Article 19(1) (a) of the Constitution."

"India is a signatory to the International Covenant on Civil and Political Rights, 1966. Article 17 of the said covenant is as under :-

Article 17:

1. No one shall be subject to arbitrary or unlawful interference with his privacy, family, human or correspondence, not o lawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks."

Article 12 of the Universal Declaration of Human Rights, 1948 is almost in similar terms.

International law body is not confined to regulating the relations between the States. Scope continues to extend. Today matters of social concern, such as health, education and economics apart from human rights fall within the ambit of International Regulations. International Law is more than ever aimed at individuals.”

9. That the mobile telephony service providers and telemarketers are using the personal data of the subscriber for their business purpose as a product for sales promotion at the subscribers personal and financial cost. The Economic Times, Wednesday, November 26, 2003, reported the financial feasibility of telemarketing to the companies at the cost of the subscriber.

“The intriguingly, businesses swear by telemarketing despite its low success rate. This is because at even a 1-2 per cent hit rate, this strategy is more cost-effective than advertising-led marketing strategies. At Rs 3,000 per month telemarketing executives come cheap. Add the 15-20 per cent commission involved, and still the cost of direct marketing is a pittance.”

“If the current trend is any indication, the future is even brighter for telemarketing companies which means more harassment for those of us who value our privacy and our time.”

10. That the mobile telephony service providers and telemarketers are violating the law by using the personal data of the subscriber for their business purpose through their telecommunication services. They are not

allowed to do so in the light of the Section 427 and 513 of The Indian Telegraph Rules,1951 read as under:

Sec. 427:- Illegal or improper use of telephone- A subscriber shall be personally responsible for the use of his telephone No telephone shall be used to disturb or irritate any persons or for the transmission of any message or communication which is of an indecent or obscene nature or is calculated to annoy any person or to disrupt the maintenance of public order or in any other manner contrary to any provision of law.

Sec 513: - Illegal or improper use-(1) No telex connection shall be used for the transmission of any message or communication which is of an indecent or obscene nature or calculated to annoy any person disrupt the maintenance of public order or in any other manner contrary to any provision of law.

(2) No telex connection shall be used for sending or receiving messages other than those originating from, or meant for, a subscriber, subject to the fact that messages of associates or subsidiaries of a subscriber-firm may be sent or receive with the previous permission of the telegraph authority.

Provided that the failure to obtain the previous permission of the telegraph authority shall be construed to be a violation of this rule and the subject to the provisions of Rule 511.

11. That because of the absence of the law pertaining to the telephone consumers and regulatory forum to which the consumer can approach to preserve the privacy. The subscriber's privacy is getting vulnerable by each passing day. The respondent companies exploiting the inherent rights of the subscribers due to the absence of the same for their business purpose at the cost of the subscriber with out his consent and convenience.
12. That such nuisance by the telemarketers is a problem world over. In United States to deal with this issue The Telephone Consumer Protection Act of 1991 ("TCPA") and Telemarketing and Consumer Fraud and Abuse Prevention Act of 1994, are in existence. In addition to this US federal government's decided to launch a "do not call" (DNC) registry to help harassed telephone owners avoid unwanted telemarketing calls. As reported in the Financial Express, Tuesday, July 01, 2003.

“US President George Bush was scheduled to unveil the national DNC registry Monday, making it a federal issue. The federal law was passed last week. Similar laws already exist in 25 of the 51 US states, but the new federal law will tackle inter- and intra-state calls as well. The federal law also lays down penalties of up to \$11,000 per call for telemarketing companies.”

“US media reports have quoted the Federal Communications Commission (FCC) as saying that around 60 million US households are expected to register themselves in the DNC

list. Over 104 million telemarketing calls are made to customers and businesses every day.”

13. That in US due to the guidelines provided by the federal Trade Commission and to display the name of the telemarketing company, this nuisance has been curbed protected up to the certain extent and the subscriber’s privacy has been protected.

“That's when Federal Trade Commission regulations kick in requiring telemarketing firms to identify themselves.

“Such calls had shown up on Caller ID as “out of area.” Now the name displayed by Caller ID must either be the company trying to make a sale or the firm making the call. The display must also include a phone number that consumers can call during regular business hours and ask that the company no longer call them.”

“The change is part of the rules that set up the do-not-call registry, which consumers can use to block certain telemarketers from calling. Telemarketing companies were given additional time to install the technology needed to display their names and numbers. Some places still don't have Caller ID technology, and firms in those areas do not have to comply.”

“The do-not-call registry, which took effect in October, now contains 56.3 million phone numbers. Because telemarketers must update their lists of who does not want to be called every three months, consumers who sign up now can expect to see the volume of calls decline in April.” True Copies of the relevant paper cuttings,

The Financial Express dated 01 July, 2003, The Economic Times dated 26 Nov. 2003, The Yahoo News dated 15 April, 2004, The Hindu dated 08. Nov, 2004, The BBC News UK Edition dated 9 Nov. 2004 ,(Colly) annexed as Annexure P-2 (Colly).

14. That in a landmark case to protect the privacy of the telephone subscribers the United States Court of Appeal in MAINSTREAM MARKETING INC. Vs. FEDERAL TRADE COMMISSION, URL: <http://lawdns.wuacc.edu/ca10/cases/2004/02/03-1429.htm>. uphold the FTC's prerogatives to protect the privacy of the subscriber and made the following observations.

"Most unwanted telephone solicitations are commercial in nature" and that "unwanted commercial calls are a far bigger problem than unsolicited calls from political or charitable organizations."

'The government asserts that the do-not-call regulations are justified by its interests in 1) protecting the privacy of individuals in their homes, and 2) protecting consumers against the risk of fraudulent and abusive solicitation.'

"In Rowan v. United States Post Office Dep't, the Supreme Court upheld the right of a homeowner to restrict material that could be mailed to his or her house."

"The Court emphasized the importance of individual privacy, particularly in the context of the home, stating that "the ancient concept that 'a man's home is his castle' into which 'not even the king may enter' has lost none of its vitality."

“In *Frisby v. Schultz*, the Court again stressed the unique nature of the home and recognized that:

"the State's interest in protecting the well-being, tranquility, and privacy of the home is certainly of the highest order in a free and civilized society." 487 U.S. 474, 484 (1988) (quoting *Carey v. Brown*, 447 U.S. 455, 471 (1980))”

“[A] special benefit of the privacy all citizens enjoy within their own walls, which the State may legislate to protect, is an ability to avoid intrusions. Thus, we have repeatedly held that individuals are not required to welcome unwanted speech into their own homes and that the government may protect this freedom.”

“Likewise, in *Hill v. Colorado*, the Court called the unwilling listener's interest in avoiding unwanted communication part of the broader right to be let alone that Justice Brandeis described as "the right most valued by civilized men." 530 U.S. 703, 716-17 (2000)”

"Congress has erected a wall or more accurately permits a citizen to erect a wall that no advertiser may penetrate without his acquiescence. ... The asserted right of a mailer, we repeat, stops at the outer boundary of every person's domain." *Id.*

15. That the petitioner has not filed any other petition in this Hon’ble Court or any other High Court for the same relief.
16. That being aggrieved by the lack of reforms and regulations in the mobile telephony system in spite of numerous recommendations by numerous authorities made to the respondents, the petitioner seeks your lordships

leave to prefer the instant petition under Article 32 of the Constitution of India.

GROUNDNS

- A. Because the telemarketing by the cell phones companies and other companies is the intrusion of the subscribers' right to privacy.
- B. Because unsolicited calls on mobile tantamount to the violation of the individuals fundamental right enshrined in the Constitution as article 19 and 21.
- C. Because the subscribers personal data available to mobile companies when used as a product for telemarketing is an unfair trade practice.
- D. Because the unsolicited calls by the telemarketier incur cost and inconvenience to the subscriber.
- E. Because the use of telephony for sales promotion purpose is in violation to the rules 427 and 513 of the Indian Telegraph Rules, 1951.
- F. Because due to the absence of the due regulations and laws the mobiles phone companies are operating beyond the scope of their objectives.
- G. Because the unsolicited calls while in roaming cost to the subscribers for the purpose which he is not consented for.
- H. Because such activities of the sales promotions through unsolicited calls is a nuisance and contrary to the convention of respect to individuals privacy of a civilized society.

- I. Because of the absence of the proper statutory forum for those who are aggrieved by such activity of the telemarketing companies is promoting this unfair trade practice.

PRAYER

In the above facts and circumstances, the petitioners most respectfully pray that this Hon'ble Court may be pleased to:

- a) Issue appropriate writ or direction to the respondent state to devise appropriate law, scheme and regulation to protect the subscribers of mobile telephony from the harassment and invasion of the privacy through unsolicited telemarketing calls and any other business promotion calls.
- b) Issue appropriate writ or direction to prohibiting the respondents telephone companies from transferring the data of telephone subscribers to any other company for commercial purpose. And if transferred restrain all such companies from using the data without securing a sanction from the Central Government and as per such law, scheme or regulation framed by the respondent government to protect the privacy of the phone subscribers.
- c) Issue appropriate writ or direction directing the respondents to formulate a scheme to safeguard the privacy of the subscribers and to compensate for the loss incurred by them due to such unethical actions of the respondent companies.

- d) Issue appropriate writ or direction directing the respondents to create a helpline and a forum to make a complaint regarding such unsolicited calls made by the respondents to the subscribers .
- e) Issue appropriate writ or direction directing the respondents to take time bound action with the compensation on the complaints of the personal and financial harassment caused to the subscribers.
- f) Issue appropriate writ or direction directing the respondents to consider a 'Do Not Call' registry on the lines of what has been created by the Federal Communications Commission in the US.
- g) Pass any other or further orders as may be deemed fit and proper in the circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN
DUTY BOUND SHALL EVER PRAY.

DRAWN & FILED BY

(PRASHANT KUMAR)

ADVOCATE FOR THE PETITIONER

New Delhi

Drafted on: .01 . 2005

Filed on- .01.2005

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
(PUBLIC INTEREST LITIGATION PETITION)
WRIT PETITION (CIVIL) OF 2005
(Under Article 32 of the Constitution of India)

IN THE MATTER OF :-

Dr. Harsh PathakPetitioner

VERSUS

Union of India & Ors.
.....Respondents.

AFFIDAVIT

I, Dr. Harsh Pathak, Son of Late Dr. R. Pathak, aged about 30 years, Resident of B-4/87/2 Safdarjung Enclave New Delhi -29 do hereby solemnly affirm and state as follows: -

1. THAT I am the Petitioner in the above mentioned matter and I am well conversant with the facts, proceedings and circumstances of the case and hence competent to sign and swear this affidavit.
2. THAT I have read and understood the contents of the accompanying Writ Petition Para 1 to Para at Page No. to and the list of dates, I say that the facts stated therein are true to the best of my knowledge.
3. THAT I have read and understood the contents of the Petition and I say that the contents thereof are true and correct to my knowledge.
4. THAT the Annexure along with the Writ Petition are true copies of its respective originals.
5. THAT I say that the averments of facts stated herein above are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.

DEPONENT

VERIFICATION

The deponent above named, do hereby verify that the contents of the Para 1 to 5 of the aforesaid affidavit are true and correct to the best of my knowledge and belief, no part of it false and nothing material has been concealed therefrom.

Verified on this 13th day of January 2005.

DEPONENT