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Maharani Din,
Deputy Registrar,
High Court of Judicature at
Allahabad.

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To,

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The Director, Institute of Judicial Training & Research, U.P., Vineet Khand, Gomti Nagar, Lucknow.

No. 14208 / IV- 3480/ Admin (A) / Dated 30-8-2011

Subject :- Issue of 'No-objection Certificate' in favour of Sri Rajiv Maheshwaram, Deputy Director, Institute of Judicial Training & Research, U.P., Lucknow for obtaining Passport.

Sir,

With reference to your endt. no. J.T.R.I./ Adhi-346/ 956 dated 01.07.2011 on the above subject, I am directed to send herewith a 'No-objection Certificate', issued in favour of Sri Rajiv Maheshwaram, Deputy Director, Institute of Judicial Training & Research, U.P., Lucknow for obtaining Passport, as approved by the Court to be issued, with the direction that he should take prior permission of the Court before proceeding abroad.

Sri Maheshwaram may kindly be informed accordingly and the 'No Objection Certificate' may also kindly be handed over to him.

Encl:- As above

Yours faithfully

Mahavandr

Deputy Registrar

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No. 14209 / IV-3480/ Admin (A) / Dated 30-8-2011

Copy forwarded for information and necessary action to Sri Rajiv Maheshwaram, Deputy Director, Institute of Judicial Training & Research, U.P., Vineet Khand, Gomti Nagar, Lucknow.

Methoven Dr. 10-8-11

Deputy Registrar

D.R. (m)

Approval of

Placed below

Nay bene?

Nay bene?



## NO OBJECTION CERTIFICATE

Certified that Shri Rajiv Maheshwaram is a temporary employee of U.P. Nyayik Sewa from 31.07.2006 and is at present holding the post of Deputy Director, Institute of Judicial Training & Research, U.P., Lucknow. This High Court has no objection to his acquiring Indian Passport. The undersigned is duly authorized to sign this No Objection Certificate.

Date: 17.08-2011

(Raj Kumar Tiwari)

H.J.S.

Registrar (Budget) High Court of Judicature at

Registrar (BudgerAllahabad High Court

Allaha bad

From,

Rajiv Maheshwaram
Deputy Director,
Institute of Judicial Training & Research, N.P.,
Vineet Khand, Gomti Nagar,
Lucknow.

To,

The Registrar General

Through,

The Director,
Institute of Judicial Tr

Hon'ble Allahabad High Court,

Institute of Judicial Training & Research, U.P., Vineet Khand, Gomti Nagar,

Lucknow.

Allahabad.

FHIA

Dated:

July, 2011

Sub.: Issue of No Objection Certificate/Identity Certificate for obtaining Passport

I am in receipt of a letter No. 10741/IV-3480/Admin-'A'/Dated Allahabad: 25.06.2011 issued by Shri Y.S. Yadav, I/C Deputy Registrar (M), High Court of Judicature at Allahabad. The letter is in reference to an earlier request made by me, to your goodself, regarding the issue of 'No Objection Certificate' for obtaining passport. (No. IJTR/Admn.-346/09-762, dated 8th July, 2010). The above mentioned officer, in his communique, has asked me to furnish information about 6 points mentioned in the letter.

The applicant is a judicial officer of the Uttar Pradesh Nyayik Sewa-2003 batch, and is presently posted on deputation as Deputy Director (Training) at the Institute of Judicial Training and Research (IJTR), Lucknow. The Ministry of Law and Justice, Govt. of India has drawn up guidelines for utilization of the grants provided by the XIIth Finance Commission for 'Training of Judicial Officers'. One of the stated guidelines pertains to visits to Singapore by judicial officers, with the objective of coming out with suggestions to reform and improve our judicial system, based on the observations of the working of courts in Singapore. Incidentally, the broad framework for the conduct of such foreign visit has been approved by the 'High Level Monitoring Committee' constituted to oversee the implementation of the XIIIth Finance Commission scheme. In this context, there is a fair probability of faculty members of IJTR being required to make such 'educational foreign study tour'. To be legally eligible for conducting such a foreign trip, the applicant is in urgent requirement of a passport. In this regard, as I have been directed in the above mentioned communique, I have to state:-

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Requestion

- **V**1. the applicants conduct during his visit to a foreign country, shall not cause any embarrassment to the Govt. of India or the Govt. of Uttar Pradesh.
  - 2. This is the first time that the applicant is applying for issue of No Objection Certificate, thereby no such request has been refused earlier.
  - 3. the applicant has not visited any foreign country, so far.
  - 4. I give the undertaking that I will not engage, directly or indirectly, in any trade business or any employment in foreign country and will join my duties immediately after expiry of the leave period.
  - 5. I also give the undertaking, that as and when I will make a request before the Hon'ble Court, about any intended foreign visit, I shall disclose the purpose and source of expenses to be incurred.
  - 6. Following is the list of dependents of the applicant -

SI.No.	Name	Relative with the applicant	Age	Profession	Place of Residence
01.	Shradha Rai	Wife	30	Research Scholar	Same as the applicant
02.	Master Kaustubh .	Son	2 yrs. 9 months	-	- do -
03.	Smt. Chandrawati Devi	Mother	68	Housewife	Garden Green Saket Vihar, Deoghar, Jharkhand-814112
04.	Sri M.P. Singh	Father	71	Staying at home	- do -

The applicant in his earlier application has already submitted the requisite identity certificate in the prescribed format. The applicant has also earlier submitted the three passport size photographs. (copy of earlier application attached)

The applicant most humbly requests you to place my application before the Hon'ble High Court for appropriate orders.

With regards,

Yours faithfully,

(RAJIV MÄHRSHWARAM)

**Deputy Director** 

NO: J.T.R. 1./Adhi-346/956 Encl.: As above. Daliel: 01-7-2011

विक प्रशिक्षण वन अनुसंधान संस्थाने

Rajiv Maheshwaram, Deputy Director. Institute of Judicial Training & Research, U.P., Vineet Khand, Gomti Nagar, Lucknow. Regression

To,

The Registrar General, Hon'ble Allahabad High Court, Allahabad

Through,

The Director, Institute of Judicial Training & Research, U.P., Lucknow.

Dated:

July, 2010

Sub.: Issue of No-objection Certificate /Identity Certificate for obtaining Passport.
Sir,

The applicant is a judicial officer (PCS-J) of the 2003 batch, presently posted on deputation as Deputy Director, (Training) at the Institute of Judicial Training & Research, (IJTR) Lucnow. The applicant expects, that in the light of budget allocation by the ministry of Law & Justice- Govt. of India based on the recommendations of the Finance Commission of India as also otherwise, opportunities will arise of visiting foreign countries. To be eligible for making the application and availing of the opportunity the applicant needs a passport. In this regard I have to state that-

- 1. The applicants conduct during his visit to a foreign country, shall not cause any embarrassment to the Govt. of India or the Govt. of Uttar Pradesh.
- 2. This is the first time that the applicant is applying for issue of No Objection Certificate, thereby no such request has been refused earlier.
- 3. The applicant has not visited any foreign county, so far.

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Following is the list of dependents of the applicant.

SĨ.	Name	Relative	Age	Profession	Place of
No		with the			Residence
		applicant			
1.	Shradha Rai	Wife	2 <del>9</del> 30	Research	Same as the
				Scholar	Applicant
2.	Master Kaustubh	Son	Vear 9	-	-do-
		ļ	Months		
3.	Smt. Chandravati Devi	Mother	67	House wife	Garden Green,
			68		Saket Vihar,
					Deoghar,
	•				Jharkhand 814112
4.	Sri M.P. Singh	Father	70 11	Staying at	-do-
			1	home	

The applicant is enclosing the requisite Identity Certificate format along with 3 passport size photographs with the Application.

The applicant most humbly requests you to grant No-objection Certificate/ Identity Certificate, so that he can make an application for the grant of a passport, at the earliest.

With regards,

Yours faithfully,

(Rajiv Maheshwaram) Deputy Director

Encl.: As above.

For worded

No I JTH Adhi-346/09-762 Dated & July, 2010.

Director

Shelitute of Judicial Training & Reseases Sittar Pradesh, LUCKNOW.

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ANNEXURE 'B'

ALL CENTRAL GOVERNMENT EMPLOYEES, STATE GOVERNMENT EMPLOYEES, EMPLOYEES OF STATUTORY BODIES AND PUBLIC SECTOR UNDERTAKINGS AND DEPENDANT FAMILY MEMBERS (SPOUSE AND DEPENDANT CHILDREN) ARE REQUIRED TO PRODUCE A IDENTITY CERTIFICATE (STRIKE OUT PORTION NOT APPLICABLE) (To be given in Duplicate on Original Stationery)

Ref.	No.	&	Date
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Name, Designation, Address & Tel. No.



Registered

Y.S. Yadav, I/c Deputy Registrar(M), High Court of Judicature at Allahabad. Paguara low

To,

The Director, Institute of Judicial Training & Research, U.P., Vineet Khand, Gomti Nagar, Lucknow.

No. 10 ) 4 | /IV-3480/ Admin 'A'/ Dated: Allahabad: 25-06-2011.

Subject: Application of Sri Rajiv Maheshwaram, Deputy Director, Institute of Judicial Training & Research, U.P., Lucknow for Issuance of 'No Objection Certificate' for obtaining passport.

Sir,

With reference to your endorsement no. J.T.R.I./Adhi.-346/09-762, dated 8.7.2010, on the above subject, I am directed to say that as desired by the Court, Sri Rajiv Maheshwaram, Deputy Director, Institute of Judicial Training & Research, U.P., Lucknow may kindly be asked to furnish the following information, so that 'No Objection Certificate' may be issued in his favour for obtaining Passport:-

- 1. In case he is granted permission for going abroad, will there be any possibility for creating anomalous position to the State/Central Government.
- 2. Whether such type of request was ever refused to him?
- 3. Whether he has visited any foreign country till now, and if yes, to give details thereof?
- 4. An under that he will not engage, directly or indirectly, in any trade business or any employment in foreign country and he will join his duties after expiry of leave period.
- 5. An undertaking to disclose the purpose and source of expenses to be incurred
- 6. Any other information/formality as would appear necessary.

अस्तिम अस्तिम् उपिका

Yours faithfully,

I/c Deputy Registrar (M).

23/6/11

I/c Deputy Registrar (M), High Court of Judicature at Allahabad

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To, .

The Director, Institute of Judicial Training & Research, U.P., Vineet Khand, Gomti Nagar, Lucknow.

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No. 10)41

/ IV- 3480/ Admin (A) / Dated 25-06-2011

Subject:- Application of Sri Rajiv Maheshwaram, Deputy Director, Institute of Judicial Training & Research, U.P., Lucknow for issuance of 'No Objection Certificate' for obtaining Passport.

Sir.

With reference to your endt. no. J.T.R.I./ Adhi.- 346/ 09-762 dated 08.07.2010 on the above subject, I am directed to say that as desired by the Court, Sri Rajiv Maheshwaram, Deputy Director, Institute of Judicial Training & Research, U.P., Lucknow may kindly be asked to furnish the following information, so that 'No Objection Certificate' may be issued in his favour for obtaining Passport:-

In case he is granted permission for going abroad, will there be any possibility for creating anomalous position to the State/ Central Government.

Whether such type of request was ever refused to him?

Whether he has visited any foreign country till now, and if yes, to give details thereof?

- An undertaking that he will not engage, directly or indirectly, in any trade business or 4. any employment in foreign country and he will join his duties after expiry of leave period.
- An undertaking to disclose the purpose and source of expenses to be incurred. 5.
- Any other information/ formality as would appear necessary. 6.

Yours faithfully

I/c Deputy Registrar (M)

slaved below.





May kindly see the letter, placed below at flag 'A", received from Sri Rajiv Maheshwaram, Deputy Director, Institute of Judicial Training & Research, U.P., Lucknow, by which he has requested the Court to issue 'No-Objection Certificate'/ 'Identity Certificate' in his favour for obtaining Passport.

In his letter, Sri Maheshwaram has stated that he is a judicial officer (PCS-J) of the 2003 batch, presently posted as Deputy Director (Training) at the Institute of Judicial Training & Research, Lucknow. He expects, that in the light of budget allocation by the Ministry of Law & Justice- Govt. of India based on the recommendations of the Finance Commission of India and also otherwise, opportunities will arise of visiting foreign countries. To be eligible for making the application and availing of the opportunity he needs a Passport. In this regard, he has also state that:-

- 1. The applicant conduct during his visit to a foreign country, shall not cause any embarrassment to the Govt. of India or the Govt. of Uttar Pradesh.
- 2. This is the first time that he is applying for issue of No Objection Certificate, thereby no such request has been refused earlier.
- 3. He has not visited any foreign country so far.

He has also submitted his three photographs. His dependents, as stated, are Smt. Shradha Rai (Wife), Master Kaustubh (Son), Smt. Chandravati Devi (Mother) & Sri M.P. Singh (Father). He has, therefore, requested for issuance of 'No-Objection Certificate'/ 'Identity Certificate' for obtaining Passport, so that he can make an application for the grant of a Passport at the earliest.

In this connection, it is submitted that 'No-objection Certificate' (now said as 'Identity Certificate' as per new proforma issued by the Passport department) for obtaining a Passport may be issued to the officers in accordance to the G.O.1/3/98-Ka-Prasko/1999 dated 14 June 1999 (flagged 'B'). It is further submitted that as per reports, placed below, no vigilance/ departmental enquiry is pending against Sri Rajiv Maheshwaram. He may be issued 'No-objection Certificate' i.e 'Identity Certificate' for obtaining Passport.

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May, therefore, if approved by Hon'ble Mr. Justice Uma Nath Singh, Administrative Judge, Lucknow, the 'Identity Certificate' at flag 'C' be issued, in duplicate, in favour of Sri Rajiv Maheshwaram, Deputy Director, Institute of Judicial

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Training & Research, U.P., Lucknow for obtaining Passport with the direction that he should take prior permission of the Court before proceeding abroad?

13.8.10 16-8-10 16-8-10

May like to lay the file before
His Lordship as proposed at 'A' above?

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file of Si or. R. Rajoria District

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Signification

7. R. (M)

27-09-10

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As per order dated 27.09.2010 of the Registrar (Budget), passed on the office note dated 13.08.2010 (flag  $\chi'$ ), the proforma and other papers as placed in the file of Sri N.K. Rajoria, are placed also on this instant file of Sri Rajiv Maheshwaram.

The papers, so placed and flagged accordingly, are as under :-

- 1. Application dated 08.07.2010- flag '1'.
- 2. Draft No objection Certificate- flag '2'.
- 3. Draft Identity Certificate- flag '3'.
- 4. G.O. Dated 14.06.1999- flag '4'.
- 5. Old proforma of No Objection Certificate- flag '5'.
- 6. New proforma of Identity Certificate- flag '6'.
- 7. Copy of Section 6(2) of Passport Act 1967- flag '7'.

Submitted for kind perusal and for onward submission.

REGISTRAR (B)
Submitted for kind perusal.

J. R. (M)

POROTO)

- (a) issue the passport or travel document with endorsement, or, as the case may be, make on the passport or travel document the endorsement, in respect of the foreign country or countries specified in the application; or
- (b) issue the passport or travel document with endorsement, or, as the case may be, make on the passport or travel document the endorsement, in respect of one or more of the foreign countries specified in the application and refuse to make an endorsement in respect of the other country or countries; or
- (c) refuse to issue the passport or travel document or, as the case may be, refuse to make on the passport or travel document any endorsement.
- (3) Where the passport authority makes an order under clause (b) or clause (c) of sub-section (2) on the application of any person, it shall record in writing a brief statement of its reasons for making such order and furnish to that person on demand a copy of the same unless in any case the passport authority is of the opinion that it will not be in the interests of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country or in the interests of the general public to furnish such copy.

## **COMMENTS**

- (i) Application for grant of passport by child taken in adoption by adoptive mother cannot be refused on the ground of subsequent marriage of the adoptive mother as subsequent marriage of adoptive mother does not invalidate the adoption; *Narinderjit Kaur v. Union of India*, AIR 1997 P&H 280.
- (ii) The jurisdiction of the Regional Passport Officer to issue passports extends to applications made by persons ordinarily residing in the territories over which he has jurisdiction. In a case where the minor petitioners and their parents are permanent residents of a particular city, the mere fact the petitioners have been sent away to study in a boarding school, within another jurisdiction, cannot render them as being persons "ordinarily residing" in that other jurisdiction; Harmeet Jawandha v. Union of India, AIR 1991 P&H 288.

Note.—The Central Government has exempted the regular employees of the Central Passport Organisation, their spouses and children upto the age of 15 years, from the operation of the provisions of section 5, read with rule 8 of the Passport Rules, 1980 in so far as such provisions relate to the payment of fees for issuing an ordinary 36 page passport to be valid for 10 years or 20 years, as the case may be, and its renewal and for rendering miscellaneous services on such passport. [Vide G.S.R. 472 (E), dated 22nd May, 2000.]

- **6.** Refusal of passports, travel documents. etc.—(1) Subject to the other provisions of this Act, the passport authority shall refuse to make an endorsement for visiting any country under clause (b) or clause (c) of sub-section (2) of section 5 on any one or more of the following grounds, and on no other ground, namely:—
  - (a) that the applicant may, or is likely to, engage in such country in activities prejudicial to the sovereignty and integrity of India;
  - (b) that the presence of the applicant in such country may, or is likely to, be detrimental to the security of India;

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- (c) that the presence of the applicant in such country may, or is likely to, prejudice the friendly relations of India with that or any other country;
- (d) that in the opinion of the Central Government the presence of the applicant in such country is not in the public interest.
- (2) Subject to the other provisions of this Act, the passport authority shall refuse to issue a passport or travel document for visiting any foreign country under clause (c) of sub-section (2) of section 5 on any one or more of the following grounds, and on no other ground, namely:—
  - (a) that the applicant is not a citizen of India;
  - (b) that the applicant may, or is likely to, engage outside India in activities prejudicial to the sovereignty and integrity of India;
  - (c) that the departure of the applicant from India may, or is likely to, be detrimental to the security of India;
  - (d) that the presence of the applicant outside India may, or is likely to, prejudice the friendly relations of India with any foreign country;
  - (e) that the applicant has, at any time during the period of five years immediately preceding the date of his application, been convicted by a court in India for any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years;
  - (f) that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India;
  - (g) that a warrant or summons for the appearance, or a warrant for the arrest, of the applicant has been issued by a court under any law for the time being in force or that an order prohibiting the departure from India of the applicant has been made by any such court;
  - (h) that the applicant has been repatriated and has not reimbursed the expenditure incurred in connection with such repatriation;
  - (i) that in the opinion of the Central Government the issue of a passport or travel document to the applicant will not be in the public interest.

## COMMENTS

The Central Government has exempted all Government servants against whom criminal charges are pending in any court in India for acts done or omitted to be done by them in the discharge of their official duties from the operation of clause (f) of subsection (2) of section 6. A certificate from their department conveying their "No Objection" to the issue of passport to such officials would be required as in all cases of Government servants. [Vide G.S.R. 34 (E), dated 12th January, 2000.]

7. Duration of passports and travel documents.—A passport or travel document shall, unless revoked earlier, continue in force for such period as may be prescribed and different periods may be prescribed for different classes of passports or travel documents or for different categories of passports or travel documents under each such class:

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प्रमाणित किया जाता है कि श्री/श्रीमती/कृपारी किम्बारी है (तारीख) से इस के अस्थायी/कृपारी कर्मबारी है है। इस मंत्रालप/विभाग/रांगवर को उन्हें भारतीय पासपोर्ट लेने में कोई आपति नहीं है। मैं इस अनापति प्रमाणपत्र पर इस्ताक्षर करने के लिए विधिवत् ग्राधिकृते हूँ।	और इस समय इतका पटनाम Nev310
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No Objection Certificate to acquire Indian Passpo	rt 7
Certified that shri	is Verseo
a temporary / permanent employee of this (office addre	ess)
	and is at
present holding the post of This de	partment
has no objection to his acquiring Indian Passport. The	
undersigned is duly authorized to sign this No Objection	on l
Certificate.	
Date	

## SECTION V - SPECIMEN OF AFFIDAVITS/DECLARATIONS

ANNEXURE 'A'
SPECIMEN AFFIDAVIT TO BE SUBMITTED BY ILLITERATE APPLICANTS AS PROOF OF DATE OF BIRTH IN CASE NO OTHER
DOCUMENT MENTIONED AT PARA A(b) OF SECTION IV IS AVAILABLE

(To be executed on non-judicial stamp paper) that the contents of my above affidavit are true and correct to Deponent Attested
Signature and official seal of attesting authority Note: Affidavit to be attested by the Magistrate/Notary in case of notary, notarial stamp would be required Naw proforms (Relentity Costificate) ANNEXURE 'B'

ALL CENTRAL GOVERNMENT EMPLOYEES, STATE GOVERNMENT EMPLOYEES, EMPLOYEES OF STATUTORY BODIES AND PUBLIC SECTOR UNDERTAKINGS AND DEPENDANT FAMILY MEMBERS (SPOUSE AND DEPENDANT CHILDREN)ARE REQUIRED TO PRODUCE A SECTOR UNDERTAKINGS AND DEPENDANT FAMILY MEMBERS (SPOUSE AND DEPENDANT CHILDREN)ARE REQUIRED TO PRODUCE A SECTOR UNDERTAKINGS AND DEPENDANT FAMILY MEMBERS (SPOUSE AND DEPENDANT CHILDREN)ARE REQUIRED TO PRODUCE A SECTOR UNDERTAKINGS AND PUBLIC (STRIKE OUT PORTION NOT APPLICABLE)

(To be given in Duplicate on Original Stationery) ANNEXURE 'B' Name, Designation, Address & Tel No. Ref. No. & Date ..... Applicant's photo to attested AFFIDAVIT TO BE SUBMITTED WITH THE APPLICATION FOR A PASSPORT OF A MINOR CHILD BY EITHER PARENT (WHO ARE SEPARATED BUT NOT FORMALLY DIVORCED) OF BY A SINGLE PARENT OF THE CHILD BORN OUT OF WEDLOCK

(To be executed on non-judicial stamp paper)

1. (name of single parent) solemnly declare and affirm as follows:

1. That I am the mother/lather of (name of the child) who is a minor child and on whose behalf I have made an application for his/her pass

2. That I am judicially separated from the mother/lather, of (name of minor)

That no legally valid marriage ever existed between me and Marks (the lather/mother the minor child) whose behalf I have made an application for his/her passport. sther/mother the minor child). That no legally valid marriage ever existed between me and Mix Ms. (the eption/ delivery The father/mother of (name of the child) has deserted me after on 3. That (name of the minor) is exclusively under my care and custody since separation/delivery. Signature & Address of Deponent Date: (Sworn before the First Class Judicial Magistrate or Notary Public) SPECIMEN AFFIDAVIT TO BE SUBMITTED ALONG WITH APPLICATION FOR PASSPORT BY A WOMAN APPLICANT FOR CHANGE OF NAME AFTER MARRIAGE (JOINT AFFIDAVIT TO BE SUBMITTED ALONGWITH HER HUSBAND) ANNEXURE 'D' (To be executed on non-judicial stamp paper) of wife) (maiden nan husband) (name of solemnly declare and affirm as under: ..... by virtue of our marriage. (date of marriage) .... would henceforth be/known as .... (name of wife after marriage) (maiden name of wife)
3. That our joint photograph is affixed below. Signature & Address of Deponents Date: The Joint photograph of the couple is to be pasted on the bottom left hand side of the affidavit paper and attested by the Magistrate/ Notary with his/her signature and rubber starrips (half on the photograph and half on the affidavit)
 Declaration 2 above to be ignored by applicants who seek endorsement of name of spouse in respect of reissue of a previously issued passport. Note: 1. This affidavit may be sworn before a Magistrate/Notary.