

The A4 paper - a legal controversy Does size matter?

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Vijay Kumar

IN 2019, three law students wrote to the Chief Justice of India to drop the colonial practice of using legal size paper across courts in India and opt for the commonly available A4 size sheets.

They said,

"Use of legal size paper is only the result of British colonial practice, which is still being continued without any logic. Even in countries like the U.K. and U.S., their entire legal system make use of A4 size paper,".

They told the CJI that A4 paper was more economical to photocopy. Photocopying was a separate industry within court complexes. They pointed out that photostat vendors charged Rs. 2 for copying the legal size paper and Rs. 1 for A4 paper.

Earlier, around 2015, another law student, wrote to the Chief Justice:

PRESERVING THE PULP

The filing in the Apex Court is done by printing only on the single side of a paper. In order to estimate the quantum of paper used (read wasted) every year, I filed an RTI application (Diary number 7, 4th feb 2015). There were more than twenty five thousand Special Leave Petitions filed in the Supreme Court in 2014. On top of that, there are, in all, more than 10,000 Transfer Petitions, Writ Petitions, Applications for Bail, Surrender, Stay, Injunction, Additional Documents et al.

It is humbly submitted that such colossal usage can be flatly reduced to half, if only both the sides of the paper are deployed while filing. Further, it would increase the manageability of the bulky documents as they will occupy lesser space. It's about time we bid adieu to such an un- environmental rule.

By a circular dated January 14, 2020, the Supreme Court informed

With a view to bring uniformity about use of paper in day-to-day working on the administrative side, to minimize consumption of paper and consequently to save the Environment, Hon'ble the Chief Justice of India has been pleased to direct that henceforth, the Registry shall use A4 size paper (on both sides) for internal communications at all levels in the Registry.

This was a small beginning in the administrative side, but was not applicable to the judicial side.

By a circular dated 05th March, 2020, the Supreme Court directed:

With a view to bring uniformity about use of paper & printing thereon and to minimize consumption of paper & consequently to save the environment, superior quality A4 size paper (29.7 cm x 21 cm) having not less than 75 GSM with printing on both sides of the paper with Font - Times New Roman, Font size 14, in one and half line spacing (for quotations and indents - font size 12 in single line spacing), with margin of 4 cm on left & right and 2 cm on top & bottom, shall be used in the pleadings, petitions, affidavits or other documents to be filed in this Court.

It was reported that:

The Supreme Court of India's decision to shift all judicial filings from legal paper to A4 size paper with printing allowed on both sides has saved approximately 3 crore paper sheets in two years.

Many High Courts have also moved from legal to A4 size paper for filings. These include the High Courts of Calcutta, Tripura, Kerala, Delhi, Allahabad, and Bombay.

Obviously, the A4 brought in some problems and the Supreme Court had to clarify in a Circular dated 13th May, 2020:

It is notified for the information of all concerned that considering the difficulties being faced by the members of the Bar/parties-in-person with regard to use of A4 size paper in the wake of lockdown related to Covid-19, the Competent Authority has been pleased to direct that :

- (i) all the cases which were filed before 01.4.2020, may be refiled using either A4 size paper or legal size paper;
- (ii) exemption from filing/re-filing fresh petitions etc. in A4 size paper is granted upto 15.6.2020 only in those cases where difficulties are being expressed to use A4 size paper. The Advocate-on-Record/ Party-in-person may file an application seeking exemption to use A4 size paper specifying the circumstances to seek such exemption. The said application shall be placed before the Additional Registrar In charge, Filing Counter, who is empowered to decide the same; and
- (iii) no exemption will be granted in respect of cases filed through e-filing where A4 size paper format shall be compulsory. The above directions shall come into force with immediate effect.

Maybe too many legal-size papers were lying in the inventories of legal luminaries.

In **Yash Jain vs The Registrar General** the Madhya Pradesh High Court on 2 December, 2020, observed,

Petitioner, a practising Advocate, vide this Public Interest Litigation, seeks direction for use of A4 size paper, with printing on both sides, with 1.5 cm spacing for all pleadings, petitions, affidavits or other documents to be filed in the High Court of Madhya Pradesh, Subordinate Courts and Tribunals.

Petitioner it appears is not aware of the fact that there already exist Rule 2(7)(b) Chapter X of the High Court of Madhya Pradesh Rules, 2008, brought in vogue vide Gazette Notification dated 02.10.2020, which mandates that:

"Every memorandum of appeal etc., shall be-

(b) neatly typed or printed on both sides of A4 size paper having not less than 75 GSM, leaving a margin of not less than 1.5" on the Top and Bottom and 1.75" margin Left and at least 1.0" margin Right.

Even after A4 started legally appearing in Courts, there was a petition to allow the A4. There were writ petitions in several High Courts.

The Delhi High Court on 16.03.2021 ordered:

Hon'ble the Chief Justice, is pleased to issue the following Practice Directions:-

A4 size paper be used uniformly in all jurisdictions for all kind of pleadings contained in petitions, affidavits, applications, or other documents etc, and all memorandum of appeals, orders and judgments in the High Court as well as in all District Courts of Delhi. The A4 size paper to be used as above shall conform to the following specification of paper and formatting style:-

A4 size paper (29.7 cm X 21 cm) having not less than 75 GSM with font - Times New Roman, font size 14, in 1.5 line spacing (for quotations and indents - font size 12 in single line spacing), with margin of 4 cm on left & right and 2 cm on top & bottom.

High Court of Karnataka on 16.12.2021 informed:

Every memorandum of appeal, petition, affidavit, interlocutory application or other memorandum or list presented to or filed in the High Court (other than original documents) shall be fairly and legibly written, typed or printed or partly so written, partly typed or partly printed on strong and durable White paper of metric A-4 size (30.5 cms long and 21.5 cms wide) weighing with minimum 75 gsm, Font style- Verdana, Font size of the title- 14" bold single line, Font size of the text-12", left margin 1.75", right margin 1", top margin 1.5" & bottom margin 1.5", the writing, typing and printing shall be made on **single side** of the paper with one and half (1.5) line spacing and every set of papers shall be stitched bookwise with pages serially numbered and be provided with an index; the index shall be on paper of the same size and strength mentioned above and shall be stitched as the first sheet of the papers.

Here it is only one side of the paper!

The UK Supreme Court Practice direction holds :

4.2.1 A notice of appeal must be produced in Form 1 on A4 paper, securely bound on the left, using both sides of the paper.Â

In the CESTAT, we have an interesting story.

In the CEGAT (Procedure) Rules, 1982, Rule 8(2) read as:

Every memorandum of appeal, cross-objection, reference applications, stay application or any other miscellaneous application shall be typed neatly in double spacing on the **fool-scape** paper and â€¦..

[It is not actually fool-scape paper; it is foolscap. Paper made in the 1400s had a watermark of a court jester's (clown) hat - a fool's cap. The British Parliament mainly used the size with the fool's cap watermark. That sized paperÂ became known as foolscap paper.]

CESTAT was perhaps the first Court to admit the A4 paper. By Notification No. 01 of 2017, dated 25/01/2017, Rule 8(2) was amended to read as:

Every memorandum of appeal, cross-objections, reference applications, stay applications or any other miscellaneous applications shall also be typed neatly in double spacing on the **A 4** size paper,â€¦

But the A4 paper did not last long in CESTAT. While others were to shift to A4, the CESTAT got back to legal size. By Public Notice No. 04 of 2019 dated 06.03.2019, Rule 8(2) was again amended to read as:

Every memorandum of appeal, cross-objections, reference applications, stay applications or any other Miscellaneous applications shall be typed neatly in double space on **Legal size** paper andâ€¦..

And it remains there. It seems, in some benches, the Registry does not accept appeals printed on A4 paper. Some lawyers were made to reprint the whole appeal book in legal size after A4 books were rejected. Some saving of paper this!

A4 in WTO

The A4 paper was also subject matter of dispute before the WTO. In 2017, Australia imposed anti-dumping duty on imports of A4 paper. Indonesia challenged this in the WTO and Canada, China, European Union, Egypt, India, Israel, Japan, Korea, Republic of Russian Federation, Singapore, Thailand, Ukraine, United States and Viet Nam joined the dispute. The WTO printed its communications on A4 paper!

A4 challenge

The BBC reported on 26th March 2016:

The latest craze from China involves mostly women holding up sheets of paper and taking selfies - they "*win*" if the paper entirely obscures their waist. It's called the "**A4 challenge**" after the standard paper size that's just 21cm (8.3in) across.

Even now, there is no unanimity on the paper size, sides, space, margins and fonts. Maybe they should bring in a law for the uniform ***paper code*** throughout India and as Parliament is not in session, an ordinance can be considered.

But be sure to print the law on A4 paper both sides!

Until Next week