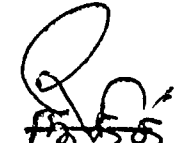


- (1) பக்கங்களின் எண்ணிக்கை 10 ✓
(2) புதுக்கித் திருப்பிய நாள் மே 1988
(3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் 10/8

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு


திரு. JUDICIAL துறை

அரசாணை எண். மு. கோப்புத் தாள் எண்.	277	அச்சகம் சென்னை
நாள் :	8.2 - 1878	108.



மடிக்கவோ கண்டபடி கையாளவோ கூடாது

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

8th February 1878, No. 277.

Law Reports.

Read the following paper :—

No. 67. *From D. FITZPATRICK, Esq., Secretary to the Government of India, Legislative Department, to the Chief Secretary to Government, dated Fort William, 25th January 1878, No. 145.*

I am directed to forward herewith an amended set of reporting rules in supersession of that contained in the Resolution of the Government of India in this Department, No. 454, dated 17th August 1875.

2. I am to request that a copy of these rules may be communicated to the High Court at Madras.

ENCLOSURE No. 1.

INDIAN LAW REPORTS RULES.

I.—A staff of Reporters shall be maintained for such Courts of Law as the Government of India from time to time direct, consisting of one Reporter for each Court and as many Assistant Reporters as the business is found to require.

II.—The Law Reports shall be published under the authority of the Government of India in the Legislative Department.

III.—Each Reporter shall have the general supervision and control of his Assistants, and shall distribute their work among them.

IV.—Each Reporter is, from the materials collected by himself and his Assistants, to select all the cases he thinks it useful to report, to reduce them into the shape of reports, to prefix a head-note to each report, to have them printed, and to transmit the proof to the Legislative Department.

V.—No case shall be reported if the Judge or Judges who decided it desire that it should not be reported.

VI.—If the Court desires that the Reporter shall consult it, or any committee appointed by it, on any case or matter, it shall be his duty to do so.

VII.—The Government of India in the Legislative Department will authorize the publication of such cases as are finally determined on.

VIII.—If the Court or the Chief Justice desires that any case decided by the Court or any division or Judge thereof shall be reported, and signifies such desire to the Reporter, such case shall be reported and published.

IX.—Arrangements shall be made for the separate local publication of reports relating to local laws when such local publication may be deemed advisable.

X.—In framing reports regard shall be had to the following general rules and principles :—
(a). Every report ought to contain a statement of all facts necessary for a due understanding of the decision.

(b). Reports ought not to state any facts which are clearly unnecessary for a due understanding of the decision.

(c). In judging whether to insert or to omit a statement of facts, it is better to err on the side of overstatement than of understatement.

(d). It is not meant that the Reporter must state the facts over again if there is a clear, full, and consecutive statement of them in the judgment.

As a general rule, cases for which a full statement of facts cannot be obtained are not to be reported.

As a general rule, every report ought to contain a statement of the arguments of counsel adduced to show what points were raised upon the Court.

The Reporter should note any material bearing which the decision may have on other decisions or on any principle of law, and which is not otherwise apparent on the face of the report.

Every report ought to contain a full copy or account of the judgment delivered by the Court, and by each Judge thereof, or of so much of the judgment as bears on the point for which the case is reported.

As a general rule, cases turning upon evidence or inferences of fact, cases relating to the construction of Statutes, and, generally, cases which do not illustrate some principle of law or a significant bearing of an enactment in a way not covered by previous decisions, ought not to be reported.

In selecting cases for report, the Reporters are to be guided by the weight and importance of the decision, and the degree of materiality for a satisfactory report, and are not to abstain from reporting a case merely because they may think the decision to be erroneous, or to be in conflict with other decisions.

ORDER THEREON, 5TH FEBRUARY 1873, No. 277.

Communicated to the Honorable the Judges of the High Court in continuation of G. O. dated 7th September 1873, No. 1967.
(True Extract.)

D. F. CARMICHAEL,
Chief Secretary.

To the Honorable the Judges of the High Court of Judicature at Madras.

For the purpose of the Act, the
Government of India shall be deemed to
be the Government of India.

RECEIVED
DEC. 07-08.

RECEIVED
DEC. 07-08.

TO
THE HONORABLE THE JUDGES
OF THE HIGH COURT
JUDICATURE AT MADRAS

Vol. of 1878

- INDIAN LAW REPORTS RULES:
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 - V.—No case shall be reported if the Judge or Judges who decided it desire that it should not be reported.
 - VI.—If the Court desires that the Reporter shall consult it, or any committee appointed by it, on any case or matter, it shall be his duty to do so.
 - VII.—The Government of India in the Legislative Department will authorize the publication of such cases as are finally determined on.
 - VIII.—If the Court or the Chief Justice desires that any case decided by the Court or any division or Judge thereof shall be reported, and signifies such desire to the Reporter, such case shall be reported and published.
 - IX.—Arrangements shall be made for the separate local publication of reports relating to local laws when such local publication may be deemed advisable.
 - X.—In framing reports regard shall be had to the following general rules and principles:
 - (a). Every report ought to contain a statement of all facts necessary for a due understanding of the decision.
 - (b). Reports ought not to state any facts which are clearly unnecessary for a due understanding of the decision.
 - (c). In judging whether to insert or to omit a statement of facts, it is better to err on the side of overstatement than of understatement.
 - (d). It is not meant that the Reporter must state the facts over again if there is a clear, full and consecutive statement of them in the judgment.
 - (e). As a general rule, cases for which a full statement of facts cannot be obtained are not to be reported.
 - (f). As a general rule, every report ought to contain a statement of the arguments of counsel, sufficient to show what points were pressed upon the Court.
 - (g). The Reporter should note any material bearing which the decision may have on other decisions or on any principle of law, and which is not otherwise apparent on the face of the report.
 - (h). Every report ought to contain a full copy or account of the judgment delivered by the Court and by each Judge thereof, or of so much of the judgment as bears on the point for which the case is reported.
 - (i). As a general rule, cases turning upon evidence or inferences of fact, cases relating to the construction of private documents and, generally, cases

which do not illustrate some principle of law or some important bearing of an enactment in a way not covered by previous decisions, ought not to be reported.

(j). In selecting cases for report, the Reporters are to be guided by the weight and importance of the decision, and the existence of materials for a satisfactory report, and are not to abstain from reporting a case merely because they may think the decision to be erroneous, or to be in conflict with other decisions.

No. 145- 1/2

From

D. Fitzpatrick Esq.
Secretary to the Govt of India,
Legislative Department.

To

The Chief Secretary to Govt.
Madras.

Dated Fort William the 25 Jan'y 1878.

Sir,

I am directed to forward herewith
an amended set of reporting rules in
supersession of that contained in the
Resolution of the Government of India
in this Department No. 454 dated 17th
August 1875.

I am to request that a copy of
these rules may be communicated
to the High Court at Madras.

Thanking you Sir,

Sir,

Your Obedient Servant

J F D'Amor

Secretary to the Govt of India.

2/2

8th July 1898 No 277

AB

Forwarded to the Honble the Judges of
the High Court, in continuation of
S.O. of 7th Sept. 1895. No 1967.

To the Hon: the Judges of the High Court
of Judicature at Madras
11/28

7th Sept 1895 No 92-75

Received 1898/1899
[unclear] [unclear]

For the Government
[unclear]
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[unclear]
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[unclear]

11/28
2 P.C. 2
[unclear]

11/27

Forwarding are a
number set of Indian
Law Reports, &
regarding that a copy
be forwarded to
the High Court.

11/27

12-1-18

10-11-18
3-10-10

Govt. of 1878

Just

G. O. 8. July 1878, No. 277

Hos. 67-68

*Law Reports. Conty.
letter from f. l. f. w. s.
an amended set of
Ind. Law Reports
Rules.*