

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following papers :—

G.O., Nos. 2922, 22A, Judicial, dated 13th November 1884.

From S. HARVEY JAMES, Esq., Officiating Deputy Secretary to the Government of India, Legislative Department, to the Chief Secretary to the Government of Madras, dated Fort William, 16th March 1885, No. 541.

With reference to correspondence ending with Mr. Hammick's Endorsement No. 2922-A, dated the 13th November last, I am directed to forward herewith six copies of the rules in regard to the Indian Law Reports, Madras Series, as accepted by the Honourable the Chief Justice and Judges, and to request that, with the permission of His Excellency the Governor in Council, you will be good enough to forward copies to the High Court for information.

ENCLOSURE.

INDIAN LAW REPORTS RULES.

MADRAS SERIES.

The Governor-General in Council has been pleased to make the following Rules in regard to the publication of the Indian Law Reports, Madras Series, in supersession of those published with Notification No. 3, dated 24th January 1878 :—

A reporter shall be appointed for the High Court of Madras, and shall work under the supervision of a Council to be constituted as follows :—

A Judge of the High Court.	One Solicitor.
The Advocate-General.	One Vakil.
One other Member of the Bar.	

The Judge, Member of the Bar, Solicitor and Vakil shall from time to time be appointed by the Chief Justice.

2. The reporter shall be appointed and paid by the Governor-General in Council.
3. The reporter shall be primarily responsible for the selection and form of the reports, but on all questions of principle he shall consult, and be guided by, the Council.
4. The entire supervision of the literary work and editing of the reports, including such arrangements as may be needed to ensure the report of each case being ready for the press as soon as possible after judgment is delivered, will rest with the Council, the Local Government being responsible for all arrangements connected with printing, publication and distribution.
5. If the Judge or Judges who decided any case desire that it should not be reported, it shall not be reported.
6. If the Court or the Chief Justice desires that the reporter shall consult it or him, or any Committee appointed by it or by him, on any case or matter, it shall be his duty to do so.
7. 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, the case shall, subject to rule 5, be reported and published.
8. The Council may, with the approval of the Chief Justice, make rules of business for the Council.

publication of the Indian Law Reports, Madras, Bombay and Allahabad series, and to state in reply that the rules appear to the Honourable the Chief Justice and Judges to be satisfactory.

ORDER—dated 13th November 1884, No. 2922, Judicial.

The Government are of the same opinion as the High Court, whose remarks will be communicated to the Government of India, Legislative department, with reference to letter thence, dated 19th September last, No. 2143.

(True Extract.)

E. F. WEBSTER,
Chief Secretary.

To the Registrar, High Court.

ENDORSEMENT—dated 13th November 1884, No. 2922-A, Judicial.

Copy to the Government of India, Legislative department.

E. F. WEBSTER,
Chief Secretary.

Exd. C. Howarth.

Govt. of (1884) Madras.

JUDICIAL.

Issued

Recd.

Encl.

G.O., &c., 13th November 1884,
Nos. 2922, 2922-A.

NOVEMBER.

Indian Law Reports.

Communicating to the Government of India the remarks of the High Court on the amended draft rules regarding the publication of the — and concurring in the opinion expressed.

28/11
DRAFT

INDIAN LAW REPORTS RULES.

The Governor General in Council is pleased to make the following Rules in regard to the publication of the Indian Law Reports, Madras, Bombay and Allahabad Series, in substitution for those published with Notification No. 3, dated 24th January, 1884.

1. A Reporter shall be appointed for each of the High Courts of Madras, Bombay and Allahabad, and shall work under the supervision of a Council to be constituted as follows:—

(1) In Madras—

A Judge of the High Court.
The Advocate General.
One other Member of the Bar.
One Solicitor.
One Vakil.

The Judge, Member of the Bar, Solicitor and Vakil shall from time to time be appointed by the Chief Justice.

(2) In Bombay—

The Chief Justice.
Two Puisne Judges.
The Advocate-General.
The Government Pleader.

The two Puisne Judges shall from time to time be selected by the High Court.

(3) In Allahabad—

One Puisne Judge.
Two Barristers.
Two Pleaders of the Court.

Each of the above shall from time to time be appointed by the Chief Justice.

2. The Reporter shall be appointed and paid by the Governor General in Council.

3. The Reporter shall be primarily responsible for the selection and form of the Reports, but on all questions of principle he shall consult, and be guided by, the Council.

4. The entire supervision of the literary work and editing of the reports, including such arrangements as may be needed to ensure the report of each case being ready for the press as soon as possible after judgment is delivered, will rest with the Council, the Local Government being responsible for all arrangements connected with printing, publication and distribution.

5. If the Judge or Judges who decided any case desire that it should not be reported, it shall not be reported.

6. If the Court or the Chief Justice desires that the Reporter shall consult it or him, or any Committee appointed by it or by him, on any case or matter, it shall be his duty to do so.

2
7. 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, the case shall, subject to rule 5, be reported and published.

8. The Council may, with the approval of the Chief Justice, make rules of business for the Council.

9. The reports shall be published under the authority of the Governor General in Council, and each Council is hereby empowered to publish them under such authority.

10. 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.

Read also the p. H. g. paper

No. 3167

48

High Court of Judicature,
Madras, 29 October 1884.

From

J. A. Davies Esquire,
Selling Registrar of the High
Court of Judicature at Madras.

To

The Honorable E. F. Webster,
Chief Secretary to
Government.

Sir

I am directed to acknowledge
the Proceedings of Government, dated
10th instant, No. 2601, Miscellaneous
forwarding, for the opinion of the High
Court, a set of amended draft rules
received from the Government of India,
Legislative Department, in regard to
the publication of the Indian Law
Reports

Just 3853/1014

Reports, Madras, Bombay and Allahabad
series, and to state in reply that the
rules appear to the Honorable the
Chief Justice and Judges to be satis-
factory.

I have the honor to be,

Sir,

Your most obedient servant,

J. D. Davis

Sitting Registrar,

Appellate Side.

20-11-65 ✓
 25/1/97 ✓
 28-5-96 ✓
 22/12-06 ✓
 3-10-11 ✓

CURRENT NO. 1111
 8

1941/12 ✓
 25/12/97 ✓
 28/5/96 ✓
 22/12-06 ✓
 3-10-11 ✓

932 (Mis)
 8-11-35 Judge

Order 8-11-35 932 (12-14-35)

James G. L. Leg. S. H.
 No. 341

Commenced - to the Hon. the
 Judges of the High Court
 in Chancery of the 13th Nov.
 1884, No. 2922.

By 16. Kearns for

HAS
 26/5

Indo: me +
 8 Jan 1895

257
 3/1

The Hon the Judges of the High Court with three copies of the enclosed

11/6/15 ✓
 5.7.11 ✓
 3-5-18 ✓

F 93 Pub.
 14.2.06

Indian Law Reports
 Rules -