

THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 2ND APRIL 1874.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 24th March 1874, and was referred to a Select Committee with instructions to make their report thereon in two months:—

Bill No. 5 of 1874.

A Bill to diminish the multitude and improve the quality of Law Reports, and to extend the area of their authority.

WHEREAS it is expedient to diminish the multitude and expense of the law reports published in British India, and to improve their quality, and to extend the local limits of the authority of properly reported decisions of the High Courts of Judicature established under the twenty-fourth and twenty-fifth of Victoria, Cap. 104:

And whereas, with a view to furthering these objects, the Governor General in Council proposes to authorize the publication of reports of cases decided by the said High Courts, to be called the Indian Authorized Law Reports; It is hereby enacted as follows:—

1. This Act may be called "The Indian Law Reports Act, 1874."
- Local extent. It extends to the whole of British India;

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Commencement.

And it shall come into force on the first day of January 1875.

2. Every judgment delivered on or after the said day by any of the said High Courts (whether by a Judge sitting alone, or by a Division Court, or by a Full Bench) and reported in the said Indian Authorized Law Reports, shall have the same authority in all subordinate Courts beyond the limits of the appellate jurisdiction of such High Court as independently of this Act it would have within such limits.

All Courts other than Courts established under the twenty-fourth and twenty-fifth of Victoria, Cap. 104, shall be deemed to be "subordinate Courts" within the meaning of this section.

3. No Court shall be bound to hear cited or shall receive or treat as an authority binding on it the report of any case decided by any of the said High Courts on or after the said day, other than a report published under the authority of the Governor General in Council.

4. Save as provided by section two, nothing herein contained shall be construed to give to any judicial decision any further or other authority than it would have had if this Act had not been passed.

STATEMENT OF OBJECTS AND REASONS.

This Bill has been framed on the assumption that law-reporting in India should be regarded as a branch of legislation, and on the corollary that such work, so far at least as regards the decisions of the four High Courts, should be performed under the superintendence of Government.

Improvements in quality and arrangement may reasonably be expected from having the decisions of the High Courts reported only by competent persons and revised by a central editor. And it is desirable, and is one of the objects of the present Bill, to extend the local limits of the authority of decisions so reported and revised.

At present a decision (say) of the High Court at Fort William is binding only in the Lower Provinces. The Bill declares that every judgment delivered by any High Court and reported in the Government Reports shall be binding on all Subordinate Courts throughout British India; and the Chief Court of the Panjáb, and the Courts of the Recorder of Rangoon and the Judicial Com-

missioners, are declared to be 'Subordinate Courts' for the purpose only of the Bill.

At present, again, six sets of Reports are published in India, at an annual cost to the purchaser of about Rs. 300. To diminish the number and expense of the Reports which professional men must buy and read, is another object of the Bill. With this view, it declares that no Court shall be bound to hear cited, or shall treat as a binding authority, the report of any case decided by any High Court after the 1st January 1875, other than a report published under the authority of Government. Under the Evidence Act, Section 84, the Courts will presume the genuineness of the authorized reports.

Cases decided on local Acts and of no general application will, when of sufficient importance to be reported, be published in separate volumes.

(Signed) A. HOBHOUSE.

The 17th March 1874.

WHITLEY STOKES,
Secretary to the Government of India.

