

# The Indian Law Report (Cuttack Service) Rules, 1949

ODISHA

India

## The Indian Law Report (Cuttack Service) Rules, 1949

### Rule

## THE-INDIAN-LAW-REPORT-CUTTACK-SERVICE-RULES-1949 of 1949

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The Indian Law Report (Cuttack Service) Rules, 1949Published vide Notification No. 1045 (1)-A, dated 19th January, 1949, Orissa Gazette Part-3/28-1-1949Notification No. 1045 (1)-A, dated 19th January, 1949. - The Governor of Orissa is pleased to make the following rules in regard to the publication of the Cuttack Series of the Indian Law Reports :Cuttack Series

### 1.

[The Law Reporter for the High Court of Orissa] [Substituted vide Orissa Gazette Part-III/14-7-1950.] shall be a member of the staff of the Hon'ble the High Court of Orissa and he shall work under the supervision of a Council to be constituted as follows :Chief Justice;One Puisne Judge to be appointed from time to time by the Chief Justice;The Advocate-General.

### 2.

The Reporter shall be paid out of the Provincial revenues.

### 3.

The Reporter shall be primarily responsible for the selection and form of the reports, but on all questions of principles 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

judgement is delivered will rest with the Council, the Provincial Government being responsible for all arrangements connected with printing, publication and distribution.

**5.**

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

**6.**

If the Court of 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 by 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 Provincial Government and the 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 over-statement than of under-statement. (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 Judgement. (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 point of law, and which is not otherwise apparent of) face of the report. (h) Every report ought to contain a full copy or account of the judgement delivered by the Court and by each point thereof or of so much of the judgement as bears on the point for which the case is reported. (i) As a general rule, cases turning

upon evidence or inference of fact, cases relating to the construction of private documents, and generally cases which do not illustrate some principle of law of 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 Reporter is to be guided by the weight and importance of the decision, and the existence of materials for a satisfactory report, and is not to abstain from reporting a case merely because he may think the decision to be erroneous, or to be in conflict with other decisions.