

**89. Proof of other public documents:** The following public documents may be proved as follows: —

(1) Acts orders or notifications of the Federal Government in any of its departments, or of any Provincial Government or any department of any Provincial Government—by the records of the departments, certified by the heads of those departments respectively, or by any document purporting to be printed by order of any such Government;

(2) the proceedings of the Legislatures,—by the Journal of those bodies respectively, or by published Acts or abstracts, by copies purporting to be printed by order of the Government concerned ;

(3) the Acts of the Executive or the proceedings of the Legislature of a foreign country,—by journals published by their authority, or commonly received in that country as such or by a copy certified under the seal of the country or sovereign or by a recognition thereof in some Federal Act;

(4) the proceedings of a municipal body in Pakistan,—by a copy of such proceedings, certified by the legal keeper thereof, or by a printed book purporting to be published by the authority of such body ;

(5) public documents of any other class in a foreign country,—by the original, or by a copy certified by the legal keeper thereof, with a certificate under the seal of a notary public, or of a Pakistan Consul or diplomatic agent, that the copy is duly certified by the officer having the legal custody of the original, and upon proof of the character of the document according to the law of foreign country.

## **PRESUMPTION AS TO DOCUMENTS**

**90. Presumption as to genuineness of certified copies:** (1) The Court shall presume every document purporting to be a certificate, certified copy or other document, which is by law declared to be admissible as evidence of any particular fact and which purports to be duly certified by any officer of the Federal Government or a Provincial Government to be genuine:

Provided that such document is substantially in the form and purports to be executed in the manner directed by law in that behalf.

(2) The Court shall also presume that any officer by whom any such document purports to be signed or certified, held when he signed it, the official character which he claims in such document.

**91. Presumption as to documents produced as record of evidence:** Whenever any document is produced before any Court, purporting to be a record or memorandum of the evidence, or of any part of the evidence, given by a witness in a judicial proceeding Or before any officer authorized by law to take such evidence or to be a statement or confession by any prisoner or accused person, taken in accordance with law, and

purporting to be signed by any Judge or Magistrate or by any such officer as aforesaid, the Court shall presume—

that the document is genuine; that any statements as to the circumstances under which it was taken, purporting to be made by the person signing it are true and that such evidence, statement or confession was duly taken.

**92. Presumption as to genuineness of documents kept under any law:** The Court shall presume the genuineness of every document purporting to be a document directed by any law to be kept by any person, if such document is kept substantially in the form required by law and is produced from proper custody.

**93. Presumption as to maps or plans made by authority of Government:** The Court shall presume that map or plans purporting to be made by the authority of the Federal Government or any Provincial Government were so made, and are accurate; but maps or plans made for the purposes of any cause must be proved to be accurate.

**94. Presumption as to collections of laws and reports of decision:** The Court shall presume the genuineness of every book purporting to be printed or published under the authority of the Government of any country, and to contain any of the law of that country, and of every book purporting to contain reports of decisions of the Courts of such country.

**95. Presumption as to powers-of-attorney:** The Court shall presume that every document purporting to be a power-of-attorney, and to have been executed before, and authenticated by, a notary public, or any Court, Judge, Magistrate, Pakistan Consul or Vice-Consul, or representative of the Federal Government, was so executed and authenticated.

**96. Presumption as to certified copies of foreign judicial records:** (1) The Court may presume that any document purporting to be a certified copy of any judicial record of any country not forming part of Pakistan is genuine and accurate, if the document purports to be certified in any manner which is certified by any representative of the Federal Government in or for such country to be the manner commonly in use in that country for the certification of copies of Judicial records.

(2) An officer who with respect to any territory or place not forming part of Pakistan, is a political Agent therefore, as defined in Section 3, clause (40), of the General Clauses Act, 1897(X of 1897) shall for the purposes of clause (1), be deemed to be a representative of the Federal Government in or for the country comprising that territory or place.

**97. Presumption as to books, maps and charts:** The Court may presume that any book to which it may refer for information on matters of public or general interest, and that any published map or chart, the statements of which are relevant facts and which is produced for its inspection, was written and published by the person, and at the time and place, by whom or at which it purports to have been written or published.

**98. Presumption as to telegraphic messages:** The Court may presume that message, forwarded from a telegraph office to the person to whom such message purports to be addressed, corresponds with a message delivered for transmission at the office from which the message purports to be sent; but the Court shall not make any presumption as to the person by whom such message was delivered for transmission.

**99. Presumption as to due execution, etc., of document not produced:** The Court shall presume that every document called for and not produced after notice to produce was attested, stamped and executed in the manner required by law.

**100. Presumption as to documents thirty years old:** Where any document, purporting or proved to be thirty years old, is produced from any custody which the Court in the particular case considers proper, the Court may presume that the signature and every other part of such document, which purports to be in the handwriting of any particular person, is in that person's handwriting, and in the case of a document executed or attested, that it was duly executed and attested by the persons by whom it purports to be executed and attested.

Explanation: For the purposes of this Article and Article 92, documents are said to be in proper custody if they are in the place in which, and under the care of the person with whom, they would naturally be, but no custody is improper if it is proved to have had, a legitimate origin, or if the circumstances of the particular case are such as to render such an origin probable.

### **Illustrations**

(a) A has been in possession of landed property for a long time. He produces from his custody deeds relating to the land, showing his titles to it. The custody is proper.

(b) A produces deeds relating to landed property of which he is the mortgagee. The mortgagor is in possession. The custody is proper.

(c) A, a connection of B, produces deeds relating to lands in B's possession which were deposited with him by B for safe custody. The custody is proper.

**101. Certified copies of documents thirty years old:** The provisions of Article 100 shall apply to such copy of a document referred to in that Article as is certified in the manner provided in Article 87 and is not less than thirty years old, and such certified copy may be produced in proof of the contents of the document or part of the document of which purports to be a copy.

## **CHAPTER VI**

### **OF THE EXCLUSION OF ORAL BY DOCUMENTARY EVIDENCE**

**102. Evidence of terms of contracts, grants and other disposition of property reduced to form of document:** When the terms of a contract, or of a grant, or of any