

compared with the one which is to be proved, although that signature, writing or seal has not been produced or proved for any other purpose.

(2) The Court may direct any person present in Court to write any words or figures for the purpose of enabling the Court to compare the words or figures so written with any words or figures alleged to have been written by such person.

(3) This Article applies also, with any necessary modifications, to finger-impressions.

**85. Public documents:** The following documents are public documents: —

(1) documents forming the acts or records of the acts :

(i) of the sovereign authority ;

(ii) of official bodies and tribunals, and

(iii) of public officers, legislative, Judicial and executive of any part of Pakistan or of a foreign country.

(2) public records kept in Pakistan of private documents.

(3) documents forming part of the records of judicial proceedings ;

(4) documents required to be maintained by a public servant under any law ; and

(5) registered documents the execution whereof is not disputed.

**86. Private documents:** All other documents are private.

**87. Certified copies of public documents:** Every public officer having the custody of a public document, which any person has a right to inspect, shall give that person on demand a copy of it on payment of the legal fees therefore, together with a certificate written at the foot of such copy that it is a true copy of such document or part thereof, as the case may be, and such certificate shall be dated and subscribed by such officer with his name and his official title, and shall be sealed, whenever such officer is authorized by law to make use of a seal, and such copies so certified shall be called certified copies.

Explanation: Any officer, who, by the ordinary course of official duty, is authorized to deliver such copies, shall be deemed to have the custody of such documents within the meaning of this Article.

**88. Proof of documents by production of certified Copies:** Such certified copies may be produced in proof of the contents of the public documents or parts of the public documents of which they purport to be copies.

**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