



## **IMPORTANT SECTIONS IN BSA**

2. Definition (1(b)“Conclusive proof”. (1)h)“May Presume.”(1)l) “Shall presume.”

### **CHAPTER II. —OF THE RELEVANCY OF FACTS**

3. Evidence may be given of facts in issue and relevant facts.

4. Relevancy of facts forming part of same transaction.

5. Facts which are the occasion, cause or effect of facts in issue or relevant facts

6. Motive, preparation and previous or subsequent conduct.

7. Facts necessary to explain or introduce relevant facts. (TIP)

8. ....

9. When facts not otherwise relevant become relevant. (Plea of alibi)

12. Facts showing existence of state of mind, or of body, or bodily feeling.

### **ADMISSIONS**

15. Admission defined.

19. Proof of admissions against persons making them, and by or on their behalf.

**22(1).** Confession caused by inducement, threat or promise, when irrelevant in criminal proceeding.

**23(1).** Confession to police-officer

**23(2).** Confession by accused while in Police custody not to be proved against him.

**23(2).** How much of information received from accused may be proved.

24. Consideration of proved confession affecting person making it and others jointly under trial for same offence.

### **STATEMENTS MADE UNDER SPECIAL CIRCUMSTANCES**

26. Cases in which statement of relevant fact by person who is dead or cannot be found, etc., is relevant (Dying declaration)

**28.** Entries in books of account when relevant.

**29.** Relevancy of entry in public record made in performance of duty.

**30.** Relevancy of statements in maps, charts and plans.

**31.** Relevancy of statement as to fact of public nature contained in certain Acts or notifications.

32. Relevancy of statements as to any law contained in law-books.

### **HOW MUCH OF A STATEMENT IS TO BE PROVED**

33. What evidence to be given when statement forms part of a conversation, document, electronic record, book or series of letters or papers.

### **JUDGMENTS OF COURTS OF JUSTICE WHEN RELEVANT**

37. Judgments, etc., other than those mentioned in sections 34, 35 and 36, when relevant.

### **OPINIONS OF THIRD PERSONS WHEN RELEVANT**

39(1). Opinions of experts.

39(2). Opinions of experts- Electronic evidence

48. Evidence of character or previous sexual experience not relevant in certain cases.

## **PART II**

### **ON PROOF**

### **CHAPTER III.—FACTS WHICH NEED NOT BE PROVED**

53. Facts admitted need not be proved.

### **CHAPTER IV.—OF ORAL EVIDENCE**

54. Proof of facts by oral evidence.

55. Oral evidence must be direct.

### **CHAPTER V.— OF DOCUMENTARY EVIDENCE**

56. Proof of contents of documents. (**Best evidence rule**)

57. Primary evidence.

58. Secondary evidence.

**59.** Proof of documents by **primary evidence** *except in the cases in S-65*

**60.** Cases in which **secondary evidence** relating to documents may be given.

**61. Electronic or digital record.**

62. Special provisions as to evidence relating to electronic record.

63. Admissibility of electronic records.

66. Proof as to electronic signature.

## **PUBLIC DOCUMENTS**

73. Proof as to verification of digital signature.

**74(1).** Public documents.

**74(2).** Private documents.

**75.** Certified copies of public documents.

**76.** Proof of documents by production of certified copies.

77. Proof of other official documents.

## **PRESUMPTIONS AS TO DOCUMENTS**

78. Presumption as to genuineness of certified copies.

79. Presumption as to documents produced as record of evidence, etc

80. Presumption as to Gazettes, newspapers, Acts and other documents.

## **CHAPTER VI. OF THE EXCLUSION OF ORAL BY DOCUMENTARY EVIDENCE**

94. Evidence of terms of contracts, grants and other dispositions of property reduced to form of document.

95. Exclusion of evidence of oral agreement.

## **PART III**

## **PRODUCTION AND EFFECT OF EVIDENCE**

## **CHAPTER VII.— OF THE BURDEN OF PROOF**

**104.** Burden of proof.

105. On whom burden of proof lies.

106. Burden of proof as to particular fact.

**107.** Burden of proving fact to be proved to make evidence admissible.

(wish to prove dying declaration of B, must prove B death first)

**108.** Burden of proving that case of accused comes within exceptions.

**109.** Burden of proving fact especially within knowledge. (Res ipsa loquitor)

113. Burden of proof as to ownership.

118. Presumption as to dowry death

119. Court may presume existence of certain facts.

## **CHAPTER IX.— OF WITNESSES**

124. Who may testify.

139. Number of witnesses. (evidence should be weighed and not counted)

## **CHAPTER X.—OF THE EXAMINATION OF WITNESSES**

160. Former statements of witness may be proved to **corroborate** later testimony as to same fact. (Rule of corroboration)

### Appreciation of oral evidence

S - 54 , 55

### Appreciation of documentary evidence

S- 56- 60, 76,94,95

### Appreciation of electronic evidence

S-39(2), 62,63,66,73

### Appreciation of indirect/circumstantial evidence

### Appreciation of TIP

### Appreciation of evidence of interested witness, eye witness, injured witness