



ONE WORD SUBSTITUTION & **MAXIM** IN BSA

- 1 Short title
- 2 Definitions
- 3 Evidence be given of Fact in Issue and Relevant Facts
- 4 Same transaction - **Res gestae**
- 5 Occasion, cause or effect
- 6 Conduct – **Corpus delicti**
- 7 **Test Identification Parade**
- 8 Conspiracy
- 9 **Plea of Alibi - Elsewhere**
- 10 Calculation of amount
- 11 Right or custom
- 12 State of mind
- 13 Act accidental or intentional
- 14 Course of business
- 15 Admission
- 16 Admission by party
- 17 Admission when position requires proof
- 18 Admission by referee
- 19 Proof of admissions
- 20 Oral admissions as to contents of documents
- 21 Admissions in civil cases – **It is in the interest of the state that there should be an end of litigation**
- 22 Confession caused by inducement, threat, coercion or promise
- 23 Confession to police officer
- 24 Confession by co-accused
- 25 Admissions not conclusive proof
- 26 Dying Declaration – **Nemo moriturus praesumitur mentire (No one at the point of death is presumed to lie.)**
- 27 Relevancy of certain facts
- 28 Entries in books of account when relevant
- 29 Relevancy of entry in public record
- 30 Relevancy of statements in maps etc.
- 31 Relevancy of statements as to fact of public nature
- 32 Relevancy of statements as to law
- 33 What evidence to be given
- 34 Bar on second suit
- 35 Relevancy of judgments in probate
- 36 Relevancy and effect of judgments other than Section 35
- 37 Relevancy of judgments other than Section 34 to 36 – **In personam – against the person**
- 38 Fraud or collusion in obtaining judgment may be proved
- 39 Expert opinion
- 40 Facts bearing upon opinions of experts
- 41 Relevancy of handwriting and electronic signature
- 42 Opinion as to custom or right
- 43 Opinion as to usages etc.
- 44 Opinion as to relationship
- 45 Grounds of opinion
- 46 Irrelevancy of character in civil cases
- 47 Relevancy of character n criminal cases
- 48 Irrelevancy of character in criminal cases
- 49 Irrelevancy of bad character
- 50 Character as affecting damages
- 51 Judicially noticeable facts need not be proved
- 52 Judicial notice
- 53 Admitted fact need not be proved
- 54 Oral evidence
- 55 Oral evidence must be direct – **Rule of exclusion of hearsay evidence**
- 56 Proof of contents of documents
- 57 Primary Evidence
- 58 Secondary Evidence
- 59 Proof of documents by Primary Evidence
- 60 Cases in which Secondary Evidence may be given
- 61 **Electronic or digital record**
- 62 Electronic evidence
- 63 Admissibility of electronic records
- 64 Notice
- 65 Proof of signature & handwriting
- 66 Proof as to electronic signature
- 67 Proof of execution of document
- 68 Proof where no attesting witness found
- 69 Admission of execution by party
- 70 Proof when attesting witness denies the execution
- 71 Proof of document not required to be attested
- 72 Comparison of signature etc.
- 73 Proof as to verification of digital signature
- 74 Public & private documents
- 75 Certified copies of public documents
- 76 Proof of documents by production of certified copies
- 77 Proof of other official documents
- 78 Presumption as to genuineness of certified copies
- 79 Presumption as to documents produced as record of evidence
- 80 Presumption as to Gazettes, newspapers, etc.
- 81 Presumption as to Gazettes in electronic or digital record
- 82 Presumption as to maps or plans made by authority of Government
- 83 Presumption as to collections of laws and reports of decisions
- 84 Presumptions as to powers-of-attorney
- 85 Presumption as to electronic agreements
- 86 Presumption as to electronic records and electronic signatures
- 87 Presumption as to Electronic Signature Certificates
- 88 Presumption as to certified copies of foreign judicial records
- 89 Presumption as to books, maps and charts
- 90 Presumption as to electronic messages

- 91 Presumption as to due execution, etc. of documents not produced
  - 92 Presumption as to documents 30 years old
  - 93 Presumption as to electronic records 5 years old
  - 94 Document as evidence
  - 95 Exclusion of oral evidence
  - 96 Patent ambiguity
  - 97 Exclusion of evidence to existing facts
  - 98 Latent ambiguity
  - 99 Ambiguity in language
  - 100 Partial ambiguity in language
  - 101 Illegible characters
  - 102 Differentiating/diverging agreement
  - 103 Non-applicability to wills
  - 104 Burden of proof – **prima facie & He who affirms must prove & Burden of proof lies upon him who asserts and not upon him who denies.**
  - 105 Onus of proof - **Burden of proof lies on the plaintiff**
  - 106 Burden as to particular fact
  - 107 Admissibility of enabling fact
  - 108 General exceptions
  - 109 **Res ipsa loquitur – the things speaks for itself**
  - 110 Presumption of life
  - 111 Presumption of death
  - 112 Proof as to relationship
  - 113 Ownership
  - 114 Active confidence
  - 115 Presumption as to offences
  - 116 Presumption as to legitimacy – **it is always to presumed that children are legitimate/ filiation cannot be proved**
  - 117 Abetment of suicide
  - 118 Dowry death
  - 119 Existence of certain facts – **all things are presumed to have been done correctly and solemnly**
  - 120 Presumption of absence of consent in rape cases
  - 121 Estoppel – He himself said it
  - 122 Estoppel as to tenancy
  - 123 Estoppel as to bill of exchange
  - 124 Competent witness
  - 125 Dumb witness
  - 126 Spouse as competent witness
  - 127 Judges & Magistrates
  - 128 Communications during marriage
  - 129 Affairs of state - **Regard for the public welfare is the highest law**
  - 130 Official communications
  - 131 Protection to informant
  - 132 Professional communications
  - 133 Non-waiver of privilege
  - 134 Confidential communication
  - 135 Production of title deeds
  - 136 Production of documents
  - 137 Incriminating witness
  - 138 Accomplice
  - 139 Number of witness – **Evidence has to weighed and not counted**
  - 140 Production & examination of witnesses
  - 141 Judge to decide admissibility
  - 142 Examination-in-chief, cross examination, re-examination
  - 143 Order of examinations
  - 144 Cross-examination of person called to produce a document
  - 145 Witnesses to character
  - 146 Leading questions
  - 147 Evidence as to matters in writing
  - 148 Contradiction to previous statements
  - 149 Questions lawful in cross- examination
  - 150 Compelling witness to answer
  - 151 Question to be decided by court
  - 152 Reasonable questions
  - 153 Question without reasonable grounds
  - 154 Indecent and scandalous questions
  - 155 Questions intended to insult or annoy
  - 156 Excluding questions testing veracity
  - 157 Hostile witness
  - 158 Impeaching credit of witness
  - 159 Question tending to corroboration
  - 160 Rule of corroboration – **the former statements of witnesses may be proved to corroborate later testimony to the same fact**
  - 161 Matter to prove statement under Section 26 or 27
  - 162 Refreshing memory
  - 163 Testimony to facts
  - 164 Adverse party to refresh memory
  - 165 Production of documents
  - 166 Document produced on notice
  - 167 Using document as evidence refused on notice
  - 168 Judge's power to put questions
  - 169 Improper Admission or Rejection
  - 170 Repeal and Savings
- S- 22 & 23 - Doctrine of excluding the fruits of poisonous tree & Doctrine of confirmation by subsequent events/facts
- S- 14,19,78,79 – Everything is presume to be rightly and duly performed until the contrary is proved
- S- 30 to 36 – Confession – Confession in judicial proceedings is greater than any other proof/ Confession is the absolute proof
- S – 26 & 39(1) Necessity rule - The principle behind is that a person who has the first-hand knowledge of the facts of a case, but who, because of death, disability, etc. is not able to appear before the court, then his knowledge should be transmitted to the court through some other person; the person who has shared the knowledge of that person will be considered as the best evidence.
- S- 55 , 59 & 94 – Best evidence rule