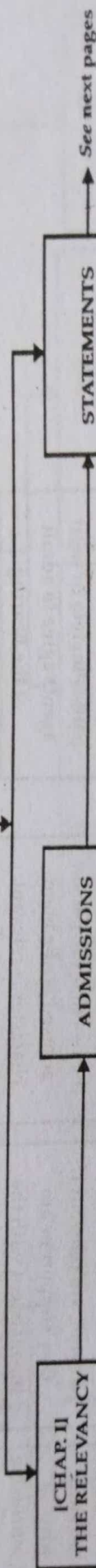


# THE INDIAN EVIDENCE ACT, 1872

## PART I RELEVANCY OF FACTS



[S. 5]  
Evidence may be given in any suit or proceeding of the existence or non-existence of every fact in issue.

[S. 6]  
Facts which, though not in issue, are so connected with a fact in issue as to form part of the same transaction, are relevant.

[S. 7]  
Facts which are the occasion, cause or effect, immediate or otherwise, of relevant fact, or facts in issue are relevant.

[S. 8]  
Any fact is relevant which shows or constitutes a motive or preparation for any fact in issue or relevant fact.

[S. 12]  
In suits in which damages are claimed, any fact which will enable the Court to determine the amount of damages which ought to be awarded, is relevant.

[S. 14]  
Facts showing the existence of any state of mind, such as intention, knowledge, good faith, negligence, rashness, ill-will or good-will towards any particular person, or showing the existence of any state of body or bodily feeling, are relevant.

[S. 17]  
An admission is a statement, oral or documentary, which suggests any inference as to any fact in issue or relevant fact, and which is made by any of the persons.

[S. 18]  
Statements made by a party to the proceeding, or by an agent to any such party, whom the Court regards, under the circumstances of the case, as expressly or impliedly authorized by him to make them, are admissions.

[S. 20]  
Statements made by person to whom a party to the suit has expressly referred for information in reference to a matter in dispute are admissions.

[S. 21]  
Admissions are relevant and may be proved as against the person who makes them, or his representative in interest.

[S. 22]  
Oral admissions as to the contents of a document and electronic records are relevant.

[S. 25]  
No confession made to a police-officer shall be proved as against a person accused of any offence.

[S. 32]  
Statements, written or verbal, of relevant facts made by a person who is dead are themselves relevant facts, when it relates to cause of death or as made in course of business.

[S. 33]  
Evidence given by a witness in a judicial proceeding, or before any person authorized by law to take it, is relevant.

[S. 34]  
Entries in books of account, including those kept in electronic form, regularly kept in course of business, are relevant.

[S. 35]  
An entry in any public or other official book, register or record, stating a fact in issue or relevant fact, is itself a relevant fact.

[S. 37]  
When the Court has to form an opinion as to the existence of any fact of a public nature, any statement of it, made in a recital contained in any Act of Parliament is relevant.

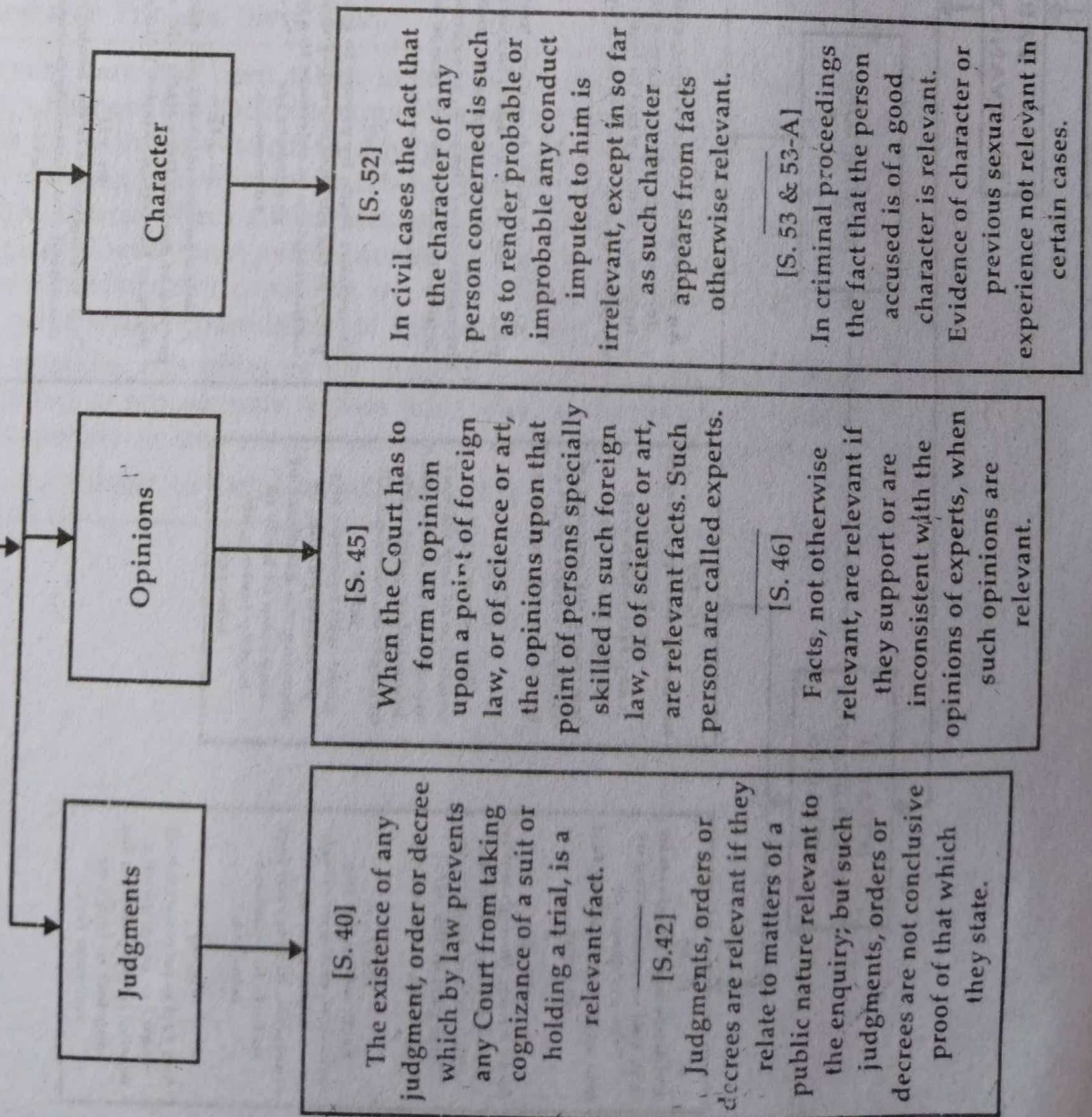
[S. 38]  
When the Court has to form an opinion as to a law of any country, any statement of such law contained in a book purporting to be printed under the authority is relevant.

[S. 39]  
When any statement of which evidence is given forms part of a longer statement, or is contained in part of electronic record, evidence shall be given of so much and no more of the statement, document or electronic record as the Court considers necessary in that particular case.

See next pages



## PART I RELEVANCY OF FACTS



## PART II PROOF

### CHAP. III FACTS WHICH NEED NOT BE PROVED

[S. 56]  
No fact of which the Court will take judicial notice need be proved.

[S. 57]  
The Court shall take judicial notice of all laws in force in the territory of India.

[S. 58]  
No fact need be proved in any proceeding which the parties thereto or their agents agree to admit at the hearing.

### CHAP. IV ORAL EVIDENCE

[S. 59]  
All facts, except the contents of documents, may be proved by oral evidence.

[S. 60]  
Oral evidence must, in all cases whatever, be direct, if it refers to a fact which could be seen, it must be the evidence of a witness who says he saw it.

See  
next  
pages



## PART II PROOF

### CHAP. V DOCUMENTARY EVIDENCE

[S. 61]  
The contents of documents may be proved either by primary or by secondary evidence.

[S. 62]  
Primary evidence means the document itself produced for the inspection of the Court.

[S. 63]  
Secondary evidence means certified copies, counterparts of documents, oral accounts of the contents of a document given by some person who himself has seen it.

[S. 64]  
Documents must be proved by primary evidence except in the cases hereinafter mentioned.

[S. 65]  
Secondary evidence may be given of the existence, condition or contents of a document when the original is of such nature as not to be easily movable amongst other cases outlined in section 65.

[S. 66]  
Any information contained in an electronic record which is printed on a paper, stored, recorded or copied in optical or magnetic media produced by a computer shall be admissible.

[S. 67]  
If a document is alleged to be signed or to have been written wholly or in part, by any person the signature or handwriting of so much of the document as is alleged to be in that person's handwriting must be proved to be in his handwriting.

[S. 71]  
If the attesting witness denies or does not recollect the execution of the document, its execution may be proved by other evidence.

[S. 74]  
Documents forming the acts or records of the acts of the sovereign authority, tribunals, etc., are public documents.

[S. 77]  
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.

[S. 79]  
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.

[S. 81]  
Court shall presume the genuineness of every document purporting to be the London Gazette or, Official Gazette of any colony, dependency or possession of the British Crown, or to be a newspaper or journal, if such document is kept, substantially in the form required by law and is produced from proper custody.

### Public Documents

### Presumptions as to Documents

[S. 84]  
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 laws of that country, and of every book purporting to contain reports of decisions of the Courts of such country.

[S. 90]  
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 such document to be duly executed & attested by the persons by whom it purports to be executed & attested.

[S. 90A]  
Where any electronic record, purporting or proved to be five years old, is produced from any custody which the Court in the particular case considers proper, the Court may presume such electronic signature to be proper.

### CHAP. VI EXCLUSION OF ORAL BY DOCUMENTARY EVIDENCE

[S. 91]  
When the terms of a contract, or of a grant, or of any other property, have been reduced to the form of a document, no evidence shall be given in proof of the terms of the contract or disposition except the document itself.



# PART III PRODUCTION AND EFFECT OF EVIDENCE

## [CHAP. VIII] THE BURDEN OF PROOF

[S. 102]  
The burden of proof in a suit or proceeding lies on that person who would fail if no evidence at all were given on either side.

[S. 103]  
The burden of proof as to any particular fact lies on that person who wishes the Court to believe in its existence.

[S. 108]  
The question is whether a man is alive or dead, and it is proved that he has not been heard of for seven years by those who would naturally have heard of him if he had been alive, the burden of proving that he is alive is shifted to the person who affirms it.

[S. 110]  
When the question is whether any person is owner of anything of which he is shown to be in possession, the burden of proving that he is not the owner is on the person who affirms that he is not the owner.

[S. 113B]  
When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman had been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the Court shall presume that such person had caused the dowry death.

## [CHAP. VIII] ESTOPPEL

[S. 115]  
When one person has, by his declaration, act or omission, intentionally caused or permitted another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed, in any suit or proceeding between himself and such person or his representative, to deny the truth of that thing.

[S. 116]  
No tenant of immovable property, or person claiming through such tenant, shall, during the continuance of the tenancy, be permitted to deny that the landlord of such tenant had, at the beginning of the tenancy, a title to such immovable property; and no person who came upon any immovable property by the licence of the person in possession thereof shall be permitted to deny that such person had a title to such possession at the time when such licence was given.

## [CHAP. IX] WITNESSES

[S. 118]  
All persons shall be competent to testify unless the Court considers that they are prevented from understanding the questions put to them.

[S. 119]  
A witness who is unable to speak may give his evidence in any other manner in which he can make it intelligible.

[S. 129]  
No one shall be compelled to disclose to the Court any confidential communication which has taken place between him and his legal professional adviser, unless he offers himself as a witness.

[S. 133]  
An accomplice shall be a competent witness against an accused person; and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice.

[S. 134]  
No particular number of witnesses shall in any case be required for the proof of any fact.

## [CHAP. X] THE EXAMINATION OF WITNESSES

[S. 136]  
When either party proposes to give evidence of any fact, the Judge may ask the party proposing to give the evidence in what manner the alleged fact, if proved, would be relevant.

[S. 137]  
The examination of witness by the party who calls him shall be called his examination-in-chief. The examination of a witness by the adverse party shall be called his cross-examination. The examination of a witness, subsequent to the cross-examination by the party who called him, shall be called his re-examination.

[S. 141]  
Any question suggesting the answer which the person putting it wishes or expects to receive is called a leading question.

[S. 145]  
A witness may be cross-examined as to previous statements made by him in writing, and relevant to matters in question, without such writing being shown to him, or being proved; but, if it is intended to contradict him by the writing, his attention must, before the writing can be proved, be called to those parts of it which are to be used for the purpose of contradicting him.

[S. 148]  
If any question relates to a matter not relevant to the suit or proceeding, except in so far as it affects the credit of the witness by injuring his character, the Court shall decide whether or not the witness shall be compelled to answer it.

[S. 151]  
The Court may forbid any questions or inquiries which it regards as indecent or scandalous, although such questions or inquiries may have some bearing on the questions before the Court unless they relate to facts in issue.

[S. 162]  
A witness summoned to produce a document shall, if it is in his possession or power, bring it to Court, notwithstanding any objection which there may be to its production or to its admissibility. The validity of any such objection shall be decided on by the Court.

## [CHAP. XII] IMPROPER ADMISSION AND REJECTION OF EVIDENCE

[S. 167]  
The improper admission or rejection of evidence shall not be ground of itself for a new trial or reversal of any decision in any case.