

Indian Evidence Act, 1872

Enforcement date → 1st Sep 1872 : 1872

Relevancy of facts :- 1872 to 1895

Not otherwise

referred to notwithstanding

Nature → Procedural law

↳ Lex fori → means law of the land. ~~as it is~~
trial character h wo doesn't compels.

Extent :- Whole of India, to all Judicial proceedings.

Not applicable on :- Army Act, Naval Discipline Act,
Indian Navi Act, Air Force Act, Affidavit &
Arbitration proceedings.

Best /

Three Basic Rules of Evidence:

- 1) Hearsay evidence is no evidence
- 2) Oral evidence must be direct.
- 3) Doc. evidence must be proved by doc only.

Definitions:-

Court : All judicial proceeding by Judges
or Magistrates and all person legally
authorized to take evidence.
except → arbitrators.

Evidence : $\xrightarrow{\text{to prove}}$ Fact → perceived by senses.

Oral

documentary

- Verbal
- Oral

Circumstantial (mark of struggle)

Real (cloth with blood stains)

~~Quadratic Equations~~:

SF 21, to A combined with

Fact: (classified by Bentham)

Mental Fact Physical Fact

Reputation of a person

well known & notorious

Fact in Issue:- A killed B.

A Threatened B.

Relevant Fact: supporting facts to fact in issue

A Threatened B via phone.

Sec 4:

Presumption

Fact

(Rebuttable)

[Court can presume

a fact, until it is
disproven by
other party.

It is ~~discretionary~~
power of court

(Discretionary)

Law

Shall

(Rebuttable)

[The court will
presume a fact,
until it is disproven
by other party]

Conclusive
proof

(non Rebuttable)

(irrebuttable)

[The court has
presumed a fact
and parties are
not allowed to
give evidence to
disprove it]

Exceptions:- Sec 41

112 → Legitimacy of child
by DNA test.

(Rebuttable) for marriage

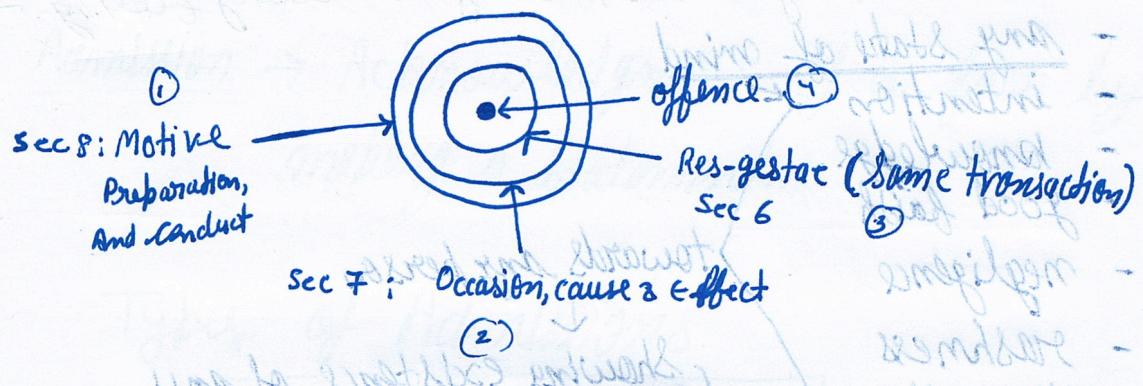
(not valid after death) - Legit

Sec 6 → Res-gestae [Relevance of facts forming part of same transaction] + w/R

Spontaneity is important [कृत एव सामान्य कृत एव]

Sec 7 → Occasion, cause or effect of fact in issue.
Health & other [showing causality in fact] mark of struggle

Sec 8 → Motive, preparation & conduct



Sec 9 → Facts necessary to explain or introduce relevant facts TIP = Test Identification Parade

establishing identity of thing or person.

- Identity (anything/person) → relevant
- Fix the time/place
- Show relation of parties

Sec 10 → Conspiracy [Sec 120A & 120B of IPC]

- Anything said or done before the execution of the conspiracy.

Sec 11 → When facts not otherwise relevant becomes relevant

(1) Plea of alibi → Sec 11(1) ←
↳ inconsistent with any fact.

Dudhnath Pandey vs State of UP.

e.g. This is not my child
make fact inconsistent

e.g. The person was not present at the place where offence was committed.

(2) Residuary Provision

Fact which make something highly probable or improbable.

Sec 13: Right of custom

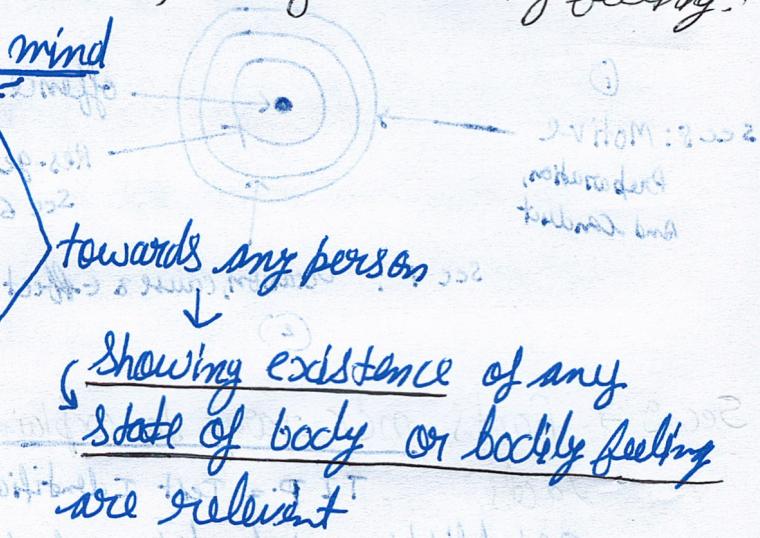
R/W → Sec 48
32(4)
32(7)

It applies on both public right & private right.

and also on intangible & tangible.

Sec 14: State of mind, body or bodily feeling:-

- any state of mind
- intentions
- knowledge
- good faith
- negligence
- rashness
- ill-will
- good-will



Admissions

Sec 17 → Admission defined [Sec 17-23]

Admit
accept

Confession → fact → accept → admit → built

Sec 17 → What → Admissions Defined

Sec 18 - Who

Sec 19 - Any other person

Sec 20 - Reference / Vicarious Liability

Sec 17 (Definition)

Statement	Suggests an Inference as to Fact in Issue OR Relevant Fact	Made by persons	under section 32
- Oral		U/S 18 to 20	U/S 18 to 30
- Documentary			
- Electronic form			

Inference means = Shows existence or non-existence

Admission → Acknowledgment of a fact by making a statement.

Types of Admissions

Judicial/Formal

Made before Court of Law

Extra Judicial/Informal

Made outside the court of Law in ordinary course of life.

Who can make admission?

↓
S 18

- Party to case
- Authorised agent
- Party in representative character (e.g. Karta, executors, administrators etc.)
- Person interested in subject matter (Joint owners, pecuniary interest co-owners)

↓
S 19

Person whose position must be proved against party to suit.

↓
S 20

Persons expressly referred by party to suit.

- Person from whom interest is derived.

Relevancy of Admission

- Sec 21 - Proof of admissions against persons making them, and by or on their behalf
- Admissions are relevant & admissible against the person making it but it can't be proved on behalf of person who makes it.
 - Self harming statements are admissible & not self serving.

General Rule :- Self harming statements are admissible

Exception :- Situations when self serving statements will be relevant/admissible

- ① If person were dead then such statement would have been relevant 4/s 32
(dying declaration)
- ② Statement about existence of state of mind or body. [The conduct of person is also showing that he is not ~~lying~~ lying]
- ③ When statement is relevant otherwise than as admission.

Sec 22 - When oral admissions as to contents of documents are relevant.

GR - Oral admission can't be done to tell the contents of documents

Exc. - 1) He is entitled to give secondary evidence of contents of document
2) when genuineness of document is in question.

Sec 22(A) same as 22 it has only 1 exc.

Sec 23 → Admissions in civil cases

Irrelevant if: (only applicable)

- 1) It is made upon an express condition that evidence of it is not to be given.
- 2) Made under circumstances that parties agreed that evidence of it is not to be given.

↳ In a certain thing.

Evidentiary Value of Admission

S-31

- Not conclusive proof

A made a statement then B made statement to disprove A's statement

- May operate as estoppel

If A made a statement and by effect of A's statement B has changed his position. Then subsequently A is not allowed to go back to his previous statement.

↗

This is estoppel.

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- Facts admitted need not be proved [admission in front of court, (judicial admissions) only]

- Admission acts as waiver of proof.

[Opp. party need not prove that fact which is admitted by another party]