The Law of Evidence

3 Parts: -

1. Relevancy of Facts [1 to 55]  
   Chapters: 1 & 2
2. On Proof [56 to 100]  
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3. Production And Effect of Evidence [101 to 167]  
   Chapters: 7 to 11

11 Chapters: -

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**Enforcement** Date 1st September 1872

**Nature** – It is a procedural law. Some provisions of this act are of substantive nature those are Chapter VIII’s (Estoppel) procedure.

**Extent** – Whole of India, all judicial proceedings, court-martial  
Not applies on – Army Act, Naval Discipline Act, Indian Navy (Discipline) Act, Air Force Act, **Affidavits** and proceedings before **Arbitrator**.

Golden Rule of Evidence: -

1. Hearsay evidence is no evidence
2. Oral evidence must be direct
3. Documentary evidences must be proved by document only.

Important Definitions: -

1. Court – All Judges & Magistrates and all persons except arbitrators, legally authorized to take evidence.
2. Evidence – Two categories: Oral & Documentary evidence.  
   Verbal statements in relation to matter of fact under inquiry made before court are oral evidence  
   All documents including electronic records produced for the inspection of the court are documentary.

e.g., type of Evidence: - Circumstantial [Those evidences identified by the circumstances e.g., If two people were fighting then the mark of struggle on the ground is circumstantial evidence] & Real [e.g., cloth with blood stains is real evidence]

1. Fact – 1. Any thing, state or relation of thing which is capable of being perceived by the senses.  
   2. Any mental condition of which any person is conscious.  
   e.g. Some one says, heard, saw something is fact, certain opinion of person is fact, reputation of a person is a fact.  
   Fact is classified into two category by Bentham – Mental Fact & Physical Fact
2. Relevant fact – when a fact is connected with the other in any way.
3. Facts in issue – Matter in Dispute; Any fact by itself or with the connection of any other facts in a suit or proceeding where the existence, non – existence, nature or extent of the Rights, Liabilities or Disabilities of fact which is asserted or denied by the parties is known as fact in issue. One party claim and other deny.
4. Proved - a fact is considered proved if the court is satisfied, based on the evidence presented, that it is more likely true than not. The burden of proof lies on the party making the assertion or claim, and they must provide evidence to support their claim. The evidence presented must be admissible and relevant to the case at hand, and it must be sufficient to convince the court that the fact is more likely true than not.
5. Disproved - a fact is considered disproved if the court is satisfied, based on the evidence presented, to show that it is not true or does not exist. The burden of proof lies on the party making the assertion or claim, and they must provide evidence to support their claim. The evidence presented must be admissible and relevant to the case at hand, and it must be sufficient to convince the court that the fact is not true or does not exist.

Sec 6 – Res-gestai (Facts forming part of same transaction)

Sec 7 – Facts which are Occasion, Cause & Effect of facts in issue.

Sec 8 – Motive, Preparation & Conduct

Sec 9 – Facts necessary to explain or introduce relevant facts

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

Sec 11 – When facts not otherwise relevant becomes relevant

1. Plea of Alibi – Inconsistence of any fact  
   e.g., If a person says that this is not my child makes the fact inconsistence.  
   OR if a person is not present at the place where the offence is committed, makes the fact inconsistence.  
   **Dudhnath vs UP**The case of Dudhnath Pandey vs State of UP involves the application of Section 11 of the Indian Evidence Act, 1872, which deals with the relevancy of certain facts for proving the existence of a particular fact.  
   In this case, the appellant (Dudhnath Pandey) was charged with the murder of his wife. The prosecution had produced evidence to show that the appellant had a motive to commit the crime, as he was having an extramarital affair with another woman. However, the defense argued that this evidence was irrelevant, as it did not directly prove the appellant's guilt for the crime.  
   The court, in its judgment, referred to Section 11 of the Indian Evidence Act, which states that facts which are relevant for establishing the existence of a particular fact are admissible in evidence. The court held that evidence regarding the appellant's extramarital affair was relevant as it showed his motive to commit the crime, and was therefore admissible in evidence.  
   The court further held that evidence of motive alone may not be sufficient to prove guilt beyond reasonable doubt, but it can be considered along with other evidence to establish the guilt of the accused. In this case, the prosecution had produced other evidence to prove the guilt of the accused, and the court found him guilty and convicted him for the murder of his wife.  
   In simpler terms, the case of Dudhnath Pandey vs State of UP highlights the importance of considering all relevant facts, including evidence of motive, in determining the guilt or innocence of an accused person. The court held that evidence of motive can be relevant and admissible in evidence if it helps establish the existence of a particular fact, such as the guilt of the accused.
2. Facts make the existence or non-existence or makes the fact highly probable or improbable.  
   see illustration b of sec 11 in bareact.

Sec 13 – When Rights or custom is in question

Sec 14 – Existence of state of mind or body or bodily feeling

Any state of mind **->** [Intention, Knowledge, Good Faith, Negligence, Rashness (उतावलापन), Ill-will (नफरत), Good-will] **->** towards any person **->** showing existence **->** of body or bodily feeling are relevant.

Sec 15 – Question whether act was Accidental or Intentional

Sec 16 – Existence of course of business when relevant

# Admission

*Sec 17 – What [Definition]*

*Sec 18 – Who [Party or agent]*

*Sec 19 – Any other person*

*Sec 20 – Reference / Vicarious liability*

Sec 17 – **Defined Admission** - In simple language, an admission is a statement made by a person involved in a legal case that can be used against them as evidence.  
**For example,** let's say that there is a legal case involving a car accident, and one of the drivers involved makes a statement to the police officer on the scene, saying "*I'm sorry, I didn't see the other car coming.*" This statement could be considered an admission, as it suggests an inference (अनुमान / निष्कर्ष / तर्क) that the driver was at fault in the accident.  
In a court case, the statement could be used as evidence against the driver who made it, as it is an admission against their own interest. However, it's important to note that not all statements made by a party to a legal proceeding are considered admissions. The statement must suggest an inference as to a fact in issue or relevant fact in order to qualify as an admission under Section 17 of the Indian Evidence Act.

Q.1 Define Evidence. What are the different kinds of Evidence?

* Administration of Justice - Important place, backbone
* Ramjas vs Surendranath – EL provides a way to the courts. It propounds such rules which can comfortably conduct administration of justice. Study of such an important subject is-matter is essential.
* Definition – Latin word ‘Evidere’ (prove, show or determine any fact by legal resources)  
  **Taylor** – All legal medium except argument which proves or disproves any fact  
  **Salmond** – Any fact or statement which has the power to prove  
  **Ausburn Dictionary** – All those legal facts or medium by which any fact is tried to be proved or disproved.
* **Sec 3** of **Indian Evidence Act, 1872** – Evidence means and includes -  
  a. all statements which the court permits or requires to be made before it by witnesses; in relation to matters of facts under inquiry, such statements are called ‘oral evidence’ and  
  b. all documents including electronic records produced for the inspection of the court; such documents are called documentary evidence.