

85. Presumption as to powers-of-attorney. — The Court shall presume that every document purporting to be a power-of-attorney, and to have been executed before, and authenticated by, a Notary Public, or any Court, Judge, Magistrate, ¹[Indian] Consul or Vice-Consul, or representative ^{2****} of the ³[Central Government], was so executed and authenticated.

⁴[**85A. Presumption as to electronic agreements.** — The Court shall presume that every electronic record purporting to be an agreement containing the ⁵[electronic signature] of the parties was so concluded by affixing the ⁵[electronic signature] of the parties.

85B. Presumption as to electronic records and ⁵[electronic signatures]. — (1) In any proceedings involving a secure electronic record, the Court shall presume unless contrary is proved, that the secure electronic record has not been altered since the specific point of time to which the secure status relates.

(2) In any proceedings, involving secure digital signature, the Court shall presume unless the contrary is proved that—

(a) the secure ⁵[electronic signature] is affixed by subscriber with the intention of signing or approving the electronic record;

(b) except in the case of a secure electronic record or a secure ⁵[electronic signature], nothing in this section shall create any presumption, relating to authenticity and integrity of the electronic record or any ⁵[electronic signature].

85C. Presumption as to ⁶[Electronic Signature Certificates]. — The Court shall presume, unless contrary is proved, that the information listed in a ⁶[Electronic Signature Certificate] is correct, except for information specified as subscriber information which has not been verified, if the certificate was accepted by the subscriber.]

86. Presumption as to certified copies of foreign judicial records. The Court may presume that any document purporting to be a certified copy of any judicial record of ⁷[⁸* * * any country not forming part of India or] of Her Majesty's Dominions is genuine and accurate, if the document purports to be certified in any manner which is certified by any representative of ⁹* * * the ³[Central Government] ¹⁰[in or for] ¹¹[such country] to be the manner commonly in use in ¹²[that country] for the certification of copies of judicial records.

¹³[An officer who, with respect to ¹⁴*** any territory or place not forming part of ¹⁵[India or] Her Majesty's Dominions, is a Political Agent there for, as defined in section 3, ¹⁶[clause (43)], of the General

1. Subs. by the A.O. 1950, for "British".

2. The Words "of Her Majesty, or" *Rep. ibid.*

3. Subs. by the A.O. 1937, for "Government of India".

4. Ins. by Act 21 of 2000, s. 92, and the Second Schedule (w.e.f. 17-10-2000).

5. Subs. by Act 10 of 2009, s. 52(e), for "digital signature" (w.e.f. 27-10-2009).

6. Subs. by *ibid.*, s. 52(f), for "Digital Signature Certificate" (w.e.f. 27.10.2009).

7. Subs. by the A.O. 1950, for "any country not forming part".

8. The words "a Part B State or of" omitted by Act 3 of 1951, s. 3 and the Schedule.

9. The words "Her Majesty or of" omitted by A.O. 1950.

10. Subs. by Act 3 of 1891, s. 8, for "resident in".

11. Subs. by Act 3 of 1951, s. 3 and the Schedule, for "such Part B State or Country".

12. Subs. by s. 3 and the Schedule, *ibid.*, for "that State or Country".

13. Subs. by Act 5 of 1899, s. 4, for the para added by Act 3 of 1891, s. 3.

14. The words "a Part B State or" ins. by the A.O. 1950, omitted by Act 3 of 1951, s. 3 and the Schedule.

15. Ins. by the A.O. 1950.

16. Subs., *ibid.*, for "clause (40)".