



Dear Civil Judges (Sr. Div)
Hearty Welcome
to
Refresher Training
on
Civil Laws

JJA

BHARATIYA SAKSHYA ADHINIYAM

- Law of Evidence in India
- Legislated in 2023
- Enforced from First July 2024
- Repealed Indian Evidence Act
- IEA Applicable to Pending Proceedings

**An Overview of the
Bharatiya Sakshya
Adhinyam 2023**



BSA

Ø APPLIES TO CIVIL & CRIMINAL CASES.

Ø STANDARED OF PROOF DIFFERS

BEYOND REASONABLE DOUBT

PROBABILITY

Ø DOES NOT DEAL WITH RELIABILITY.

Ø DEALS WITH LEGAL RELEVANCY OR ADMISSIBILITY.

LOGICAL VS LEGAL RELEVANCY



FOUNDATION OF LAW OF EVIDENCE

- Ø Evidence must have a bearing on the controversy.
- Ø Court must be sufficiently informed than to exclude material which might prejudice it.
- Ø Evidence must help a Court to come to a conclusion.
- Ø Always the best evidence must be taken into account.

BSA

ANSWERS THE FOLLOWING QUESTIONS

Ø WHAT IS EVIDENCE?	2
Ø WHO SHOULD BRING EVIDENCE?	104 – 120
Ø ON WHAT MATTERS EVIDENCE CAN BE BROUGHT	3 TO 50
CANNOT BE BROUGHT	121 TO 123
NEED NOT BE BROUGHT	51 TO 53
Ø BY WHAT METHODS EVIDENCE IS BROUGHT?	
ORAL	54 & 55, 124-139
DOCUMENTARY	56-103
HOW EVIDENCE IS PRESENTED BEFORE THE COURT?	140-169

BSA ... 170 Sections

S.1... Title & Commencement S. 170 Repeal & Savings.

RELEVANCY OF FACTS UNDER BSA



FACT (Sec. 2)

- Any Thing
State of Things
Relation of Things
... CAPABLE OF PERCEPTION.
- Any Mental Condition
... Person Conscious.



FACTS

PHYSICAL

PSYCHOLOGICAL

FACT

ANY THING

EX : A MAN HEARD SOMETHING

A MAN SAW SOMETHING

A MAN SAID CERTAIN WORDS

KNIFE WAS PURCHASED BY 'A'



RELATION OF THINGS

EX : OBJECTS ARE ARRANGED

IN A CERTAIN PLACE

IN A CERTAIN ORDER



FACT

MENTAL CONDITION

EX: A MAN HAS 'INTENTION'

... EVERY KIND OF *MENS REA*.

A MAN HAS AN 'OPINION'

A MAN HAS 'REPUTATION'

A MAN ACTED IN GOODFAITH

A MAN ACTED FRAUDULENTLY

A MAN USES A WORD IN A PARTICULAR SENSE



FACT IN ISSUE (Sec. 2)

→ ANY FACT

EITHER BY ITSELF

IN CONNECTION WITH OTHER FACTS

→ FROM WHICH FOLLOWS

EXISTENCE OR NON-EXISTENCE

NATURE OR EXTENT OF ANY

RIGHT

LIABILITY

DISABILITY



ASSERTED OR DENIED

IN ANY SUIT OR PROCEEDING

FACT IN ISSUE

CIVIL PROCEEDING

LENT RS. 25,000/-

P → D

D ← P

PROMISSORY NOTE



CIVIL PROCEEDING

P

D EXECUTED PRONOTE

P GAVE RS. 25,000/- TO D

D DID NOT REPAY RS. 25,000/-

D

D DID NOT EXECUTE PRONOTE

D WAS FORCED TO SIGN

P HAS NOT GIVEN RS. 25,000/-

D HAS REPAID RS. 25,000/-

RELEVANCY



LOGICAL RELVANCY
LEGAL RELEVANCY



- A PERSON IS GENERALLY CONSIDERED TO BE CORRUPT.
- A PERSON WAS SEEN AT THE PLACE OF OFFENCE JUST BEFORE THE OFFENCE TOOK PLACE.
- A PERSON WENT AWAY WHEN IT WAS SAID THAT POLICE ARE COMING IN SEARCH OF A THIEF.
- A PERSON IS HELD IN HIGH ESTEEM BY THE PUBLIC.

**ALL FACTS LEGALLY RELEVANT ARE
LOGICALLY RELEVANT.**

VKESHAV

ALL FACTS LOGICALLY RELEVANT ARE

ADMISSIBLE EVIDENCE

- Ø FACTS TO BE PROVED (3)
- Ø FACTS CONNECTED WITH THEM (4-14)
- Ø STATEMENTS OF PARTIES (15-25)
- Ø STATEMENTS OF OTHERS (26-33)
- Ø JUDGEMENTS ON FACTS IN ISSUE (34-38)
- Ø OPINIONS ABOUT FACT IN ISSUE (39-45)
- Ø CHARACTER OF PARTIES (46-50)



**NOT
ADMISSIBLE**

RELEVANT FACT (Sec. 2)

“ONE FACT IS SAID TO BE RELEVANT TO ANOTHER
WHEN THE ONE IS CONNECTED WITH THE OTHER
IN ANY OF THE WAYS
REFERRED TO IN THE PROVISIONS OF THIS ACT.
RELATING TO RELEVANCY OF FACTS”.

(Secs. 4-50)

**BELIEF IN ONE FACT
HELPS THE COURT
TO COME TO A CONCLUSION
UPON THE EXISTENCE OR NON-EXISTENCE OF
ANOTHER FACT.**

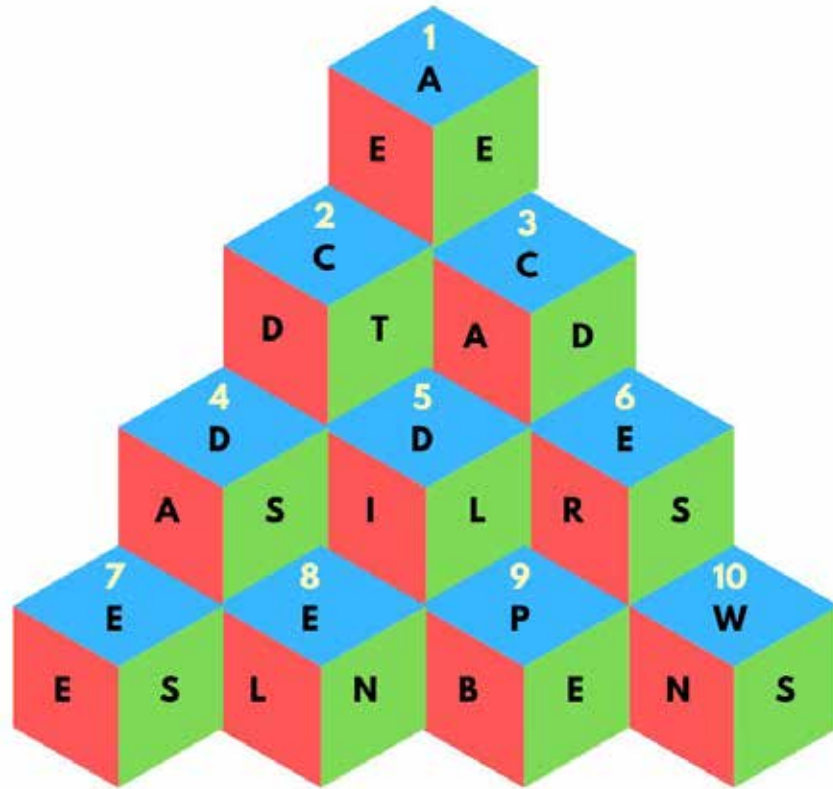
RELEVANT FACTS

- Facts in issue (s 3)
- Facts declared Relevant (s 4-50)

OTHER



RELEVIDEN



- The Dice Blocks (numbered 1 to 10) have a SEVEN letter word used in BSA provisions relating to Relevancy of Facts.
- Three sides of the Ten Dice blocks (Three Letters, the **first**, the **middle** and the **last** on each block) are only visible.
- The Ten Seven Letter Words, containing the three visible letters, are to be identified with the help of these subtle hints:

1. FRAUD
2. PREVIOUS
3. RIGHT
4. SUIT
5. FORM

6. BOOKS
7. SCIENCE
8. NECESSARY
9. JURISDICTION
10. INCAPABLE

RELEVANCY OF OTHER FACTS

- Facts on which evidence need not be brought (s 51-53)

JUDICIAL NOTICE

- Facts on which evidence can not be brought (s 121-123)

ESTOPPEL

JUDGE'S DISCRETION

Admissibility of Evidence

Ø How Relevant?

Ø Admit or Not Admit?

Ø Evidence of First before Second Fact

Ø Dependent fact to be proved first (s.141)

Require proof of admitted facts (s.53)

Reliability of Evidence

Ø Not dealt in BSA

Ø Judge's sole discretion

Ø Judicious Wisdom

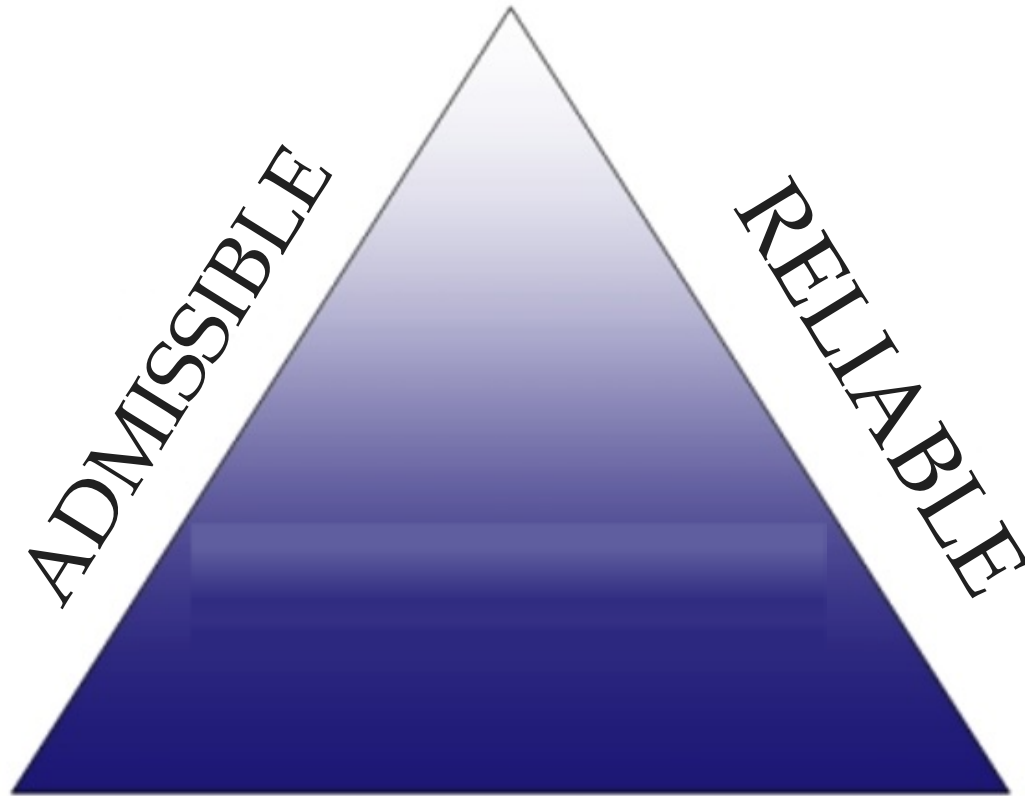
JUDGE'S DISCRETION

- Order of Production of Witnesses
 - not Regulated by Law and Practice (s.140)
- Examination of Witnesses
 - Ø Question affecting credit (s.151)
 - Ø Question without reasonable grounds (s.153)
 - Ø Questions I I A S
 - Ø Questioning one's own witness (s.157)
 - Ø Inspecting privileged documents (s.165)
 - Ø Asking questions by himself (s.168)

PROOF TRIAD

IS IT?

EVIDENCE



JUDGE SHOULD ASK