

SHORT TITLE.  
EXTENT.  
COMMENCEMENT OF ACT.BHARATIYA SAKSHYA ADHINIYAM, 2023  
(ACT NO. 47 OF 2023)  
COMPARE WITH  
INDIAN EVIDENCE ACT 1872

Bharatiya Sakshya Adhiniyam, 2023 (Act No. 47of 2023)		Indian Evidence Act. 1872		OTHER REMARKABL E POINT
<b>CHAPTER-I PRELIMINARY</b>				
Section	Heading	Section	Heading	Remarks
1	Short title, application and commencement	1	Short title, extent and Commencement	Modified
2	Definitions	3	Interpretation clause	Modified
2(1)(a)	"Court"	3, Para 1	"Court"	
2(1)(b)	"Conclusive Proof"	4	"Conclusive Proof"	
2(1)(c)	"Disproved"	3, Para 8	"Disproved"	
2(1)(d)	"Document"	3, Para 5	"Document"	
2(1)(e)	"Evidence"	3, Para 6	"Evidence"	
2(1)(f)	"Fact"	3, Para 2	"Fact"	
2(1)(g)	"Facts in issue"	3, Para 4	"Facts in issue"	
2(1)(h)	"May Presume"	4	"May Presume"	
2(1)(i)	"Not proved"	3, Para 9	"Not proved"	
2(1)(j)	"Proved"	3, Para 7	"Proved"	
2(1)(k)	"Relevant"	3, Para 3	"Relevant"	
2(1)(l)	"Shall Presume"	4	"Shall Presume"	
<b>CHAPTER II RELEVANCY OF FACTS</b>				
Section	Heading	Section	Heading	Remarks
3	Evidence may be given of facts in issue and relevant facts.	5	Evidence may be given of facts in issue and relevant facts.	
4	Relevancy of facts forming part of same transaction	6	Relevancy of facts forming part of same transaction.	
5	Facts which are occasion, cause or effect of facts in issue or relevant facts.	7	Facts which are the occasion, cause or effect of fact in issue.	Modified
6	Motive, preparation and previous or subsequent conduct.	8	Motive, preparation and previous or subsequent conduct.	
7	Facts necessary to explain or introduce fact in issue or relevant facts.	9	Facts necessary to explain or introduce relevant facts.	Modified
8	Things said or done by conspirator in reference to common design	10	Things said or done by conspirator in reference to common design	
9	When facts not otherwise relevant become relevant.	11	When facts not otherwise relevant become relevant.	
10	Facts tending to enable Court to determine amount are relevant in suits for damages	12	In suits for damages, facts tending to enable Court to determine amount are relevant	Modified
11	Facts relevant when right or custom	13	Facts relevant when right or	

	is in question		custom is in question.	
12	Facts showing existence of state of mind, or of body or bodily feeling.	14	Facts showing existence of state of mind, or of body, or bodily feeling.	
13	Facts bearing on question whether act was accidental or intentional.	15	Facts bearing on question whether act was accidental or intentional.	
14	Existence of course of business when relevant.	16	Existence of course of business when relevant.	
15	Admission defined	17	Admission defined.	
16	Admission by party to proceeding or his agent.	18	Admission— by party to proceeding or his agent; by suitor in representative character; by party interested in subject-matter; by person from whom interest derived.	Modified
17	Admissions by persons whose position must be proved as against party to suit.	19	Admissions by persons whose position must be proved as against party to suit.	
18	Admissions by persons expressly referred to by party to suit.	20	Admissions by persons expressly referred to by party to suit.	
19	Proof of admissions against persons making them, and by or on their behalf.	21	Proof of admissions against persons making them, and by or on their behalf.	
20	When oral admissions as to contents of documents are relevant	22	When oral admissions as to contents of documents are relevant	
--	--	22-A	When oral admission as to contents of electronic records are relevant.	Deleted
21	Admissions in civil cases when relevant.	23	Admissions in civil cases when relevant.	
22	Confession caused by inducement, threat, coercion or promise, when irrelevant in criminal proceeding	24	Confession caused by inducement, threat or promise, when irrelevant in criminal proceeding.	Modified
		28	Confession made after removal of impression caused by inducement, threat or promise, relevant	
		29	Confession otherwise relevant not to become irrelevant because of promise of secrecy, etc.	
23 (1)	Confession to police officer.	25	Confession to police-officer not to be proved.	
23 (2)	Confession to police officer.	26	Confession by accused while in custody of Police not to be proved against him.	
		27	How much of information received from accused may be proved.	
24	Consideration of proved confession affecting person making it and others jointly under trial for same	30	Consideration of proved confession affecting person making it and others jointly under trial for same	

	offence.		offence.	
25	Admissions not conclusive proof, but may estop	31	Admissions not conclusive proof, but may estop.	
26	Cases in which statement of relevant fact by person who is dead or cannot be found, etc., is relevant.	32	Cases in which statement of relevant fact by person who is dead or cannot be found, etc., is relevant.	
27	Relevancy of certain evidence for proving, in subsequent proceeding, truth of facts therein stated.	33	Relevancy of certain evidence for proving, in subsequent proceeding, the truth of facts therein stated	
28	Entries in books of account when relevant.	34	Entries in books of account when relevant.	
29	Relevancy of entry in public record or an electronic record made in performance of duty.	35	Relevancy of entry in public record or an electronic record made in performance of duty.	
30	Relevancy of statements in maps, charts and plans.	36	Relevancy of statements in maps, charts and plans.	
31	Relevancy of statement as to fact of public nature contained in certain Acts or notifications.	37	Relevancy of statement as to fact of public nature contained in certain Acts or notifications.	
32	Relevancy of statements as to any law contained in law books including electronic or digital form.	38	Relevancy of statements as to any law contained in law-books.	Modified
33	What evidence to be given when statement forms part of a conversation, document, electronic record, book or series of letters or papers.	39	What evidence to be given when statement forms part of a conversation, document, electronic record, book or series of letters or papers.	
34	Previous judgments relevant to bar a second suit or trial.	40	Previous judgments relevant to bar a second suit or trial.	
35	Relevancy of certain judgments in probate, etc., jurisdiction	41	Relevancy of certain judgments in probate, etc., jurisdiction.	
36	Relevancy and effect of judgments, orders or decrees, other than those mentioned in section 35.	42	Relevancy and effect of judgments, orders or decrees, other than those mentioned in section 41.	Modified
37	Judgments, etc., other than those mentioned in sections 34, 35 and 36 when relevant.	43	Judgments, etc., other than those mentioned in sections 40, 41 and 42, when relevant.	Modified
38	Fraud or collusion in obtaining judgment, or incompetency of Court, may be proved.	44	Fraud or collusion in obtaining judgment, or incompetency of Court, may be proved.	
39(1)	Opinions of experts.	45	Opinions of experts.	
39(2)	Opinions of experts.	45-A.	Opinion of Examiner of Electronic Evidence.	
40	Facts bearing upon opinions of experts	46	Facts bearing upon opinions of experts.	
41(1)	Opinion as to handwriting and signature, when relevant.	47	Opinion as to handwriting, when relevant.	Modified
41(2)	Opinion as to handwriting and signature, when relevant.	47-A	Opinion as to electronic signature, when relevant.	Modified
42	Opinion as to existence of general custom or right, when relevant	48	Opinion as to existence of right or custom, when relevant.	Modified
43	Opinion as to usages, tenets, etc.,	49	Opinion as to usages, tenets, etc.,	

	when relevant.		when relevant.	
44	Opinion on relationship, when relevant.	50	Opinion on relationship, when relevant.	
45	Grounds of opinion, when relevant.	51	Grounds of opinion, when relevant.	
46	In civil cases character to prove conduct imputed, irrelevant	52	In civil cases character to prove conduct imputed, irrelevant.	
47	In criminal cases previous good character relevant.	53	In criminal cases previous good character relevant.	
48	Evidence of character or previous sexual experience not relevant in certain cases	53-A	Evidence of character or previous sexual experience not relevant in certain cases.	
49	Previous bad character not relevant, except in reply	54	Previous bad character not relevant, except in reply.	
50	Character as affecting damages.	55	Character as affecting damages.	

**CHAPTER III  
FACTS WHICH NEED NOT BE PROVED**

Section	Heading	Section	Heading	Remarks
51	Fact judicially noticeable need not be proved	56	Facts judicially noticeable need not be proved.	
52	Facts of which Court shall take judicial notice.	57	Facts of which Court must take judicial notice.	Modified
53	Facts admitted need not be proved.	58	Facts admitted need not be proved.	

**CHAPTER IV  
OF ORAL EVIDENCE**

Section	Heading	Section	Heading	Remarks
54	Proof of facts by oral evidence.	59	Proof of facts by oral evidence.	
55	Oral evidence to be direct.	60	Oral evidence must be direct.	

**CHAPTER V  
OF DOCUMENTARY EVIDENCE**

Section	Heading	Section	Heading	Remarks
56	Proof of contents of documents.	61	Proof of contents of documents.	
57	Primary evidence.	62	Primary evidence.	
58	Secondary evidence.	63	Secondary evidence.	
59	Proof of documents by primary evidence	64	Proof of documents by primary evidence.	
60	Cases in which secondary evidence relating to documents may be given	65	Cases in which secondary evidence relating to documents may be given.	
61	Admissibility of electronic or digital record.	--	--	New added
62	Special provisions as to evidence relating to electronic record.	65-A	Special provisions as to evidence relating to electronic record.	
63	Admissibility of electronic records.	65-B	Admissibility of electronic records.	
64	Rules as to notice to produce.	66	Rules as to notice to produce.	
65	Proof of signature and handwriting of person alleged to have signed or written document produced.	67	Proof of signature and handwriting of person alleged to have signed or written document produced	
66	Proof as to electronic signature.	67-A	Proof as to electronic signature.	
67	Proof of execution of document required by law to be attested.	68	Proof of execution of document required by law to be attested.	

68	Proof where no attesting witness found.	69	Proof where no attesting witness found.	
69	Admission of execution by party to attested document.	70	Admission of execution by party to attested document.	
70	Proof when attesting witness denies execution.	71	Proof when attesting witness denies the execution.	
71	Proof of document not required by law to be attested	72	Proof of document not required by law to be attested.	
72	Comparison of signature, writing or seal with others admitted or proved.	73	Comparison of signature, writing or seal with others admitted or proved.	
73	Proof as to verification of digital signature.	73-A	Proof as to verification of digital signature.	
74	Public and private documents.	74.	Public documents	Modified
		75	Private documents	
75	Certified copies of public documents.	76	Certified copies of public documents.	
76	Proof of documents by production of certified copies.	77	Proof of documents by production of certified copies.	
77	Proof of other official documents.	78	Proof of other official documents.	
78	Presumption as to genuineness of certified copies.	79	Presumption as to genuineness of certified copies.	
79	Presumption as to documents produced as record of evidence, etc.	80	Presumption as to documents produced as record of evidence.	
80	Presumption as to Gazettes, newspapers, and other documents.	81	Presumption as to Gazettes, newspapers, private Acts of Parliament and other documents.	Modified
81	Presumption as to Gazettes in electronic or digital record.	81-A	Presumption as to Gazettes in electronic forms.	Modified
--	--	82	Presumption as to document admissible in England without proof of seal or signature.	Deleted
82	Presumption as to maps or plans made by authority of Government.	83	Presumption as to maps or plans made by authority of Government.	
83	Presumption as to collections of laws and reports of decisions.	84	Presumption as to collections of laws and reports of decisions.	
84	Presumption as to powers-of-attorney.	85	Presumptions as to powers-of-attorney.	
85	Presumption as to electronic agreements.	85-A	Presumption as to electronic agreements.	
86	Presumption as to electronic records and electronic signatures.	85-B	Presumption as to electronic records and electronic signatures	
87	Presumption as to Electronic Signature Certificates.	85-C	Presumption as to Electronic Signature Certificates.	
88	Presumption as to certified copies of foreign judicial records.	86	Presumption as to certified copies of foreign judicial records.	
89	Presumption as to books, maps and charts.	87	Presumption as to books, maps and charts.	
--	---	88	Presumption as to telegraphic messages.	Deleted
90	Presumption as to electronic messages.	88-A	Presumption as to electronic messages.	

91	Presumption as to due execution, etc., of documents not produced	89	Presumption as to due execution, etc., of documents not produced.	
92	Presumption as to documents thirty years old.	90	Presumption as to documents thirty years old.	
93	Presumption as to electronic records five years old.	90-A	Presumption as to electronic records five years old.	

**CHAPTER VI  
OF THE EXCLUSION OF ORAL EVIDENCE BY DOCUMENTARY EVIDENCE**

Section	Heading	Section	Heading	Remarks
94	Evidence of terms of contracts, grants and other dispositions of property reduced to form of document.	91	Evidence of terms of contracts, grants and other dispositions of property reduced to form of document.	
95	Exclusion of evidence of oral agreement.	92	Exclusion of evidence of oral agreement.	
96	Exclusion of evidence to explain or amend ambiguous document.	93	Exclusion of evidence to explain or amend ambiguous document.	
97	Exclusion of evidence against application of document to existing facts.	94	Exclusion of evidence against application of document to existing facts.	
98	Evidence as to document unmeaning in reference to existing facts.	95	Evidence as to document unmeaning in reference to existing facts.	
99	Evidence as to application of language which can apply to one only of several persons.	96	Evidence as to application of language which can apply to one only of several persons.	
100	Evidence as to application of language to one of two sets of facts, to neither of which the whole correctly applies.	97	Evidence as to application of language to one of two sets of facts, to neither of which the whole correctly applies.	
101	Evidence as to meaning of illegible characters, etc.	98	Evidence as to meaning of illegible characters, etc.	
102	Who may give evidence of agreement varying terms of document	99	Who may give evidence of agreement varying terms of document.	
103	Saving of provisions of Indian Succession Act relating to wills.	100	Saving of provisions of Indian Succession Act relating to wills.	

**CHAPTER VII  
OF THE BURDEN OF PROOF**

Section	Heading	Section	Heading	Remarks
104	Burden of proof.	101	Burden of proof.	
105	On whom burden of proof lies.	102	On whom burden of proof lies.	
106	Burden of proof as to particular fact.	103	Burden of proof as to particular fact.	
107	Burden of proving fact to be proved to make evidence admissible.	104	Burden of proving fact to be proved to make evidence admissible.	
108	Burden of proving that case of accused comes within exceptions.	105	Burden of proving that case of accused comes within exceptions.	
109	Burden of proving fact especially within knowledge.	106	Burden of proving fact especially within knowledge.	
110	Burden of proving death of person known to have been alive within	107	Burden of proving death of person known to have been alive within	

	thirty years.		thirty years.	
111	Burden of proving that person is alive who has not been heard of for seven years.	108	Burden of proving that person is alive who has not been heard of for seven years.	
112	Burden of proof as to relationship in the cases of partners, landlord and tenant, principal and agent.	109	Burden of proof as to relationship in the cases of partners, landlord and tenant, principal and agent.	
113	Burden of proof as to ownership.	110	Burden of proof as to ownership	
114	Proof of good faith in transactions where one party is in relation of active confidence.	111	Proof of good faith in transactions where one party is in relation of active confidence.	
115	Presumption as to certain offences.	111-A	Presumption as to certain offences.	
116	Birth during marriage, conclusive proof of legitimacy.	112	Birth during marriage, conclusive proof of legitimacy.	
--	--	113	Proof of cession of territory	Deleted
117	Presumption as to abetment of suicide by a married woman.	113-A	Presumption as to abetment of suicide by a married woman.	
118	Presumption as to dowry death.	113-B	Presumption as to dowry death	
119	Court may presume existence of certain facts	114	Court may presume existence of certain facts.	
120	Presumption as to absence of consent in certain prosecution for rape.	114-A	Presumption as to absence of consent in certain prosecution for rape	
CHAPTER VIII ESTOPPEL				
Section	Heading	Section	Heading	Remarks
121	Estoppel.	115	Estoppel.	
122	Estoppel of tenant and of licensee of person in possession.	116	Estoppel of tenant and of licensee of person in possession.	
123	Estoppel of acceptor of bill of exchange, bailee or licensee	117	Estoppel of acceptor of bill of exchange, bailee or licensee	
CHAPTER IX OF WITNESSES				
Section	Heading	Section	Heading	Remarks
124	Who may testify.	118	Who may testify.	
125	Witness unable to communicate verbally	119	Witness unable to communicate verbally	
126	Competency of husband and wife as witnesses in certain cases.	120	Parties to civil suit, and their wives or husbands. Husband or wife of person under criminal trial.	Modified
127	Judges and Magistrates.	121	Judges and Magistrates.	
128	Communications during marriage	122	Communications during marriage	
129	Evidence as to affairs of State	123	Evidence as to affairs of State	
130	Official communications.	124	Official communications.	
131	Information as to commission of offences.	125	Information as to commission of offences.	
132	Professional communications.	126	Professional communications.	
132(3)	Professional communications.	127	Section 126 to apply to interpreters, etc.	Modified
133	Privilege not waived by volunteering evidence.	128	Privilege not waived by volunteering evidence	
134	Confidential communication with legal advisers.	129	Confidential communication with legal advisers.	

135	Production of title-deeds of witness not a party.	130	Production of title-deeds of witness not a party.	
136	Production of documents or electronic records which another person, having possession, could refuse to produce.	131	Production of documents or electronic records which another person, having possession, could refuse to produce.	
137	Witness not excused from answering on ground that answer will criminate.	132	Witness not excused from answering on ground that answer will criminate.	
138	Accomplice.	133	Accomplice.	
139	Number of witnesses	134	Number of witnesses	
CHAPTER X OF EXAMINATION OF WITNESSES				
Section	Heading	Section	Heading	Remarks
140	Order of production and examination of witnesses.	135	Order of production and examination of witnesses.	
141	Judge to decide as to admissibility of evidence.	136	Judge to decide as to admissibility of evidence.	
142	Examination of witnesses.	137	Examination-in-chief.	Modified
143	Order of examinations.	138	Order of examinations.	
144	Cross-examination of person called to produce a document.	139	Cross-examination of person called to produce a document.	
145	Witnesses to character.	140	Witnesses to character.	
146	Leading questions.	141	Leading questions.	
		142	When they must not be asked.	
		143	When they may be asked.	
147	Evidence as to matters in writing.	144	Evidence as to matters in writing.	
148	Cross-examination as to previous statements in writing.	145	Cross-examination as to previous statements in writing.	
149	Questions lawful in cross-examination.	146	Questions lawful in cross-examination.	
150	When witness to be compelled to answer.	147	When witness to be compelled to answer.	
151	Court to decide when question shall be asked and when witness compelled to answer.	148	Court to decide when question shall be asked and when witness compelled to answer.	
152	Question not to be asked without reasonable grounds.	149	Question not to be asked without reasonable grounds.	
153	Procedure of Court in case of question being asked without reasonable grounds.	150	Procedure of Court in case of question being asked without reasonable grounds.	
154	Indecent and scandalous questions.	151	Indecent and scandalous questions.	
155	Questions intended to insult or annoy.	152	Questions intended to insult or annoy.	
156	Exclusion of evidence to contradict answers to questions testing veracity.	153	Exclusion of evidence to contradict answers to questions testing veracity.	
157	Question by party to his own witness.	154	Question by party to his own witness.	
158	Impeaching credit of witness.	155	Impeaching credit of witness.	
159	Questions tending to corroborate evidence of relevant fact,	156	Questions tending to corroborate evidence of relevant fact,	



	admissible.		admissible.	
160	Former statements of witness may be proved to corroborate later testimony as to same fact.	157	Former statements of witness may be proved to corroborate later testimony as to same fact.	
161	What matters may be proved in connection with proved statement relevant under section 26 or 27.	158	What matters may be proved in connection with proved statement relevant under section 32 or 33.	Modified
162	Refreshing memory.	159	Refreshing memory.	
163	Testimony to facts stated in document mentioned in section 162.	160	Testimony to facts stated in document mentioned in section 159.	Modified
164	Right of adverse party as to writing used to refresh memory.	161	Right of adverse party as to writing used to refresh memory.	
165	Production of documents.	162	Production of documents.	
166	Giving, as evidence, of document called for and produced on notice.	163	Giving, as evidence, of document called for and produced on notice.	
167	Using, as evidence, of document production of which was refused on notice.	164	Using, as evidence, of document production of which was refused on notice.	
168	Judge's power to put questions or order production.	165	Judge's power to put questions or order production.	
--	--	166	Judge's power to put questions or order production.	Deleted
CHAPTER XI OF IMPROPER ADMISSION AND REJECTION OF EVIDENCE				
Section	Heading	Section	Heading	Remarks
169	No new trial for improper admission or rejection of evidence.	167	No new trial for improper admission or rejection of evidence.	
CHAPTER XII REPEAL AND SAVINGS				
Section	Heading	Section	Heading	Remarks
170	Repeal and savings.	--	--	New added
***End***				