



Introduction and Familiarisation of Bharatiya Sakshya Adhiniyam 2023

(No.47 of 2023 dated.25.12.2023 w.e.f 01-07-2024 vide SO 849(E), dt.23.02.2024)



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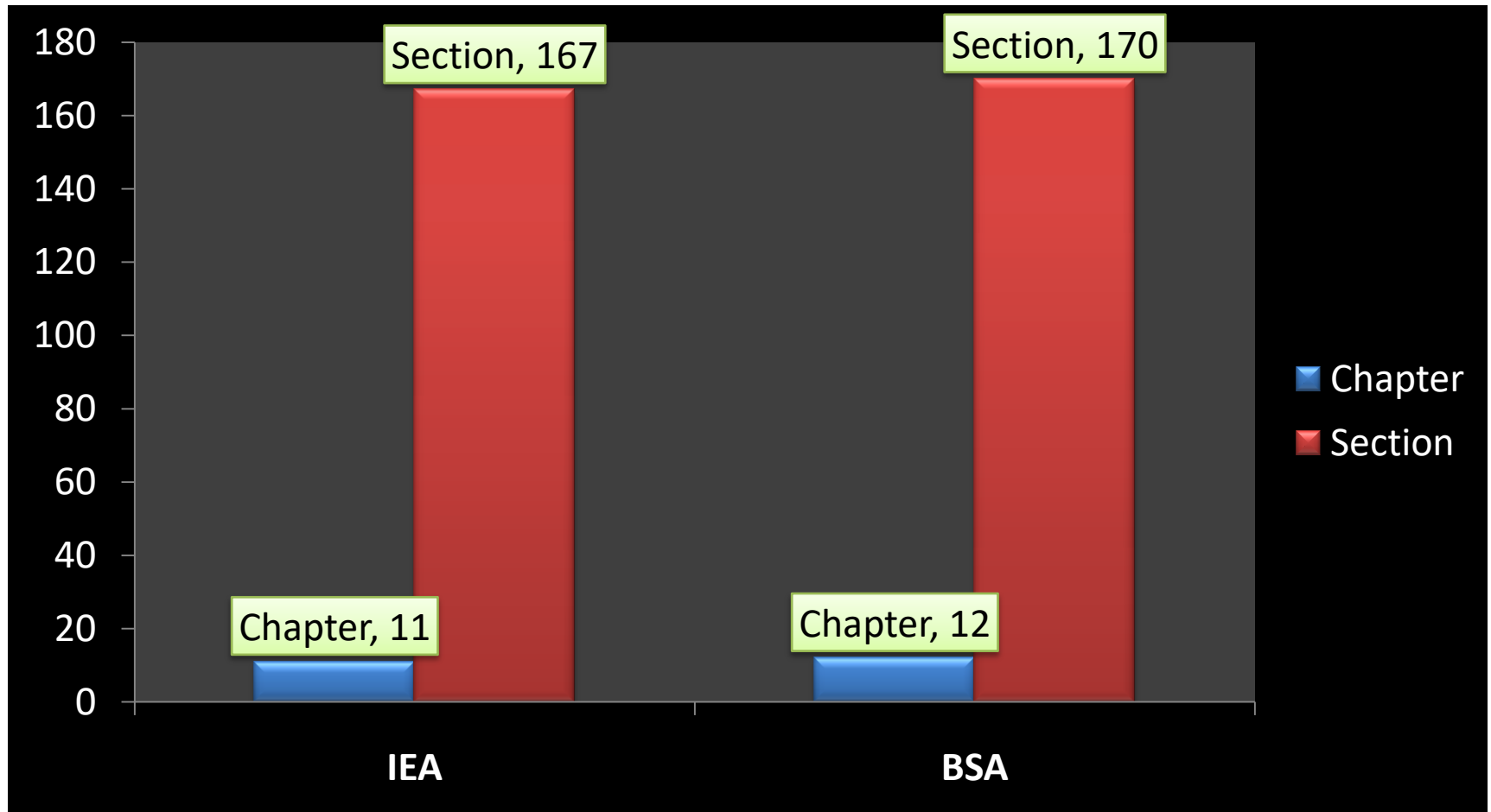
Superintendent of Police –Admin

State Special Branch HQrs

AMENDMENTS AT GLANCE, - BSA

- Total 2 new sections and 6 new sub- sections have been added
- Total 5 new explanations are added
- Total 2 new provisos are added
- Total 24 provisions are modified
- Total 6 sections are deleted from IEA
- Total 4 explanations deleted from IEA

Structural Comparison of IEA and BSA



Highlights of BSA ,2023

- Electronic record included in the definition of 'document'.
- Statements received electronically included in the definition of 'evidence'.
- Added more standards for considering electronic and digital records as primary evidence laying emphasis on its proper custody, storage, transmission, and broadcast.
- Added more kinds of secondary evidence to include oral and written admissions and evidence of a skilled person to examine documents which cannot conveniently be examined by Court.
- Established the legal admissibility, validity, and enforceability of electronic or digital record as evidence.

- Part A and Part B Certificates as per Sec 63(4)(c) of BSA (instead of 65B certificate of IEA) are provided in the Schedule .
- Conviction based on corroborated testimony of accomplices has been made legal.
- References to colonial terminology were deleted, names of places updated, language modernized and made gender sensitive.
- References to colonial terminology done away with.
- Names of places updated.
- Language modernized and made gender sensitive.

Sl no	Sections deleted from the IEA
1	S. 3- Definition of "India"
2	S. 22A- When oral admission as to contents of electronic records are relevant.
3	S. 82- Presumption as to document admissible in England without proof of seal or signature
4	S.88 - Presumption as to telegraphic messages
5	S.I 13 - Proof of cession of territory
6	5.166 - Power of or assessors to t questions.

Sl no	Explanations deleted from the IEA
1	<p>S. 26 - Confession by accused while in custody of police not to be proved against him</p> <p>(Deleted Explanation is “In this section “Magistrate” does not include the head of a village discharging magisterial functions in the Presidency of Fort St. George or elsewhere, unless such headman is a Magistrate exercising the powers of a Magistrate under the Code of Criminal Procedure, 1882 (10 of 1882)”</p>
2	<p>S.65(B) - (5) Explanation</p> <p>(Deleted Explanation is “Explanation.—For the purposes of this section any reference to information being derived from other information shall be a reference to its being derived there from by calculation, comparison or any other process”</p>
3	<p>S.73A – Proof as to verification of digital signature</p>
4	<p>S.88A - Presumption as to documents thirty years old</p>

New sections added in the BSA.

SL No.	Section	Heading
1	Sec. 61	Electronic or digital record
2	Sec.170	Repeal and savings

COMPARATIVE ANALYSIS OF
INDIAN EVIDENCE ACT, 1872
AND
THE BHARATIYA SAKSHYA
ADHINIYAM, 2023

PART - 1

**It Contains
Chapter 1**

CHAPTER 1 - PRELIMINARY

This Chapter contains Sections 1 and 2

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
1	Short title, extent and commencement	1	Short title, application and commencement
3	Interpretation clause	2	Definitions Modification added – 3 New sub section added -1
4	“May presume”	2	Definitions (Note)

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
1	Short title, extent and commencement	1	Short title, application and commencement
3	Interpretation clause	2	Definitions <u>Modification added – 3</u> <u>New sub section added -1</u> (Note)
4	“May presume”		

BSA Sec 2 . - Definitions

2. (1) In this Adhiniyam, unless the context otherwise requires,—

(a) "Court" includes all Judges and Magistrates, and all persons, except arbitrators, legally authorised to take evidence;

(b) "conclusive proof" means when one fact is declared by this Adhiniyam to be conclusive proof of another, the Court shall, on proof of the one fact, regard the other as proved, and shall not allow evidence to be given for the purpose of disproving it;

(c) "disproved" **in relation to a fact**, means when, after considering the matters before it, the Court either believes that it does not exist, or considers its non-existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it does not exist **(modified)**

Note: - "A fact is said to be disproved" in IEA is modified as shown in the red line

- **(i) "not proved"**.—A fact is said to be not proved when it is neither proved nor disproved;
- **(j) "proved"**.—A fact is said to be proved when, after considering the matters before it, the Court either believes it to exist, or considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists;

- **(d) "document"** means any matter expressed or described or otherwise recorded upon any substance by means of letters, figures or marks or any other means or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter and includes electronic and digital records exist (**modified**)

Note : Red line portion are added in BSA.

Illustrations.

- (i) A writing is a document.
- (ii) Words printed, lithographed or photographed are documents.
- (iii) A map or plan is a document.
- (iv) An inscription on a metal plate or stone is a document.
- (v) A caricature is a document.
- (vi) **An electronic record on emails, server logs, documents on computers, laptop or smart phone, messages, websites, locational evidence and voice mail messages stored on digital devices are documents; (newly added illustration)**

- (e) "evidence" means and includes—
 - (i) all statements including statements given electronically which the Court permits or requires to be made before it by witnesses in relation to matters of fact under inquiry and such statements are called oral evidence;

(modified)

- (ii) all documents including electronic or digital records produced for the inspection of the Court and such documents are called documentary evidence (modified)

Note – electronic records in IEA is modified to electronic or digital record

(f) "fact" means and includes—

- (i) any thing, state of things, or relation of things, capable of being perceived by the senses;
- (ii) any mental condition of which any person is conscious.

Illustrations.

- (i) That there are certain objects arranged in a certain order in a certain place, is a fact.
- (ii) That a person heard or saw something, is a fact.
- (iii) That a person said certain words, is a fact.
- (iv) That a person holds a certain opinion, has a certain intention, acts in good faith, or fraudulently, or uses a particular word in a particular sense, or is or was at a specified time conscious of a particular sensation, is a fact;

- **(h) "may presume"**.—Whenever it is provided by this Adhiniyam that the Court may presume a fact, it may either regard such fact as proved, unless and until it is disproved or may call for proof of it;
- **(l) "shall presume"**.—Whenever it is directed by this Adhiniyam that the Court shall presume a fact, it shall regard such fact as proved, unless and until it is disproved.

Note : -

- The interpretation clause in IEA in Sec 3 is renumbered and included to Sec 2 “definitions” in BSA.
- “May presume” Sec 4 in IEA is renumbered and included in Sec 2(h) BSA
- Definition of “India” in Sec 3 of IEA is deleted in BSA.



(2) - Words and expressions used herein and not defined but defined in the Information Technology Act, 2000, the Bharatiya Nagarik Suraksha Sanhita, 2023 and the Bharatiya Nyaya Sanhita, 2023 shall have the same meanings as assigned to them in the said Act and Sanhitas. (new subsection added).

PART - 2

**It Contains
Chapter II**

CHAPTER II – RELEVANCY OF FACTS.

- This Chapter contains 3 to 50 sections.

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
5	Evidence may be given of facts in issue and relevant facts	3	Evidence may be given of facts in issue and relevant facts
6	Relevancy of facts forming part of same transaction	4	Relevancy of facts forming part of same transaction Modification - 1
7	Facts which are the occasion, cause or effect of facts in issue	5	Facts which are the occasion, cause or effect of facts in issue or relevant facts
8	Motive, preparation and previous or subsequent conduct	6	Motive, preparation and previous or subsequent conduct

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
9	Facts necessary to explain or introduce relevant facts	7	Facts necessary to explain or introduce fact in issue or relevant facts
10	Things said or done by conspirator in reference to common design	8	Things said, done by conspirator in reference to common design
11	When facts not otherwise relevant become relevant	9	When facts not otherwise relevant become relevant
12	In suits for damages, facts tending to enable Court to determine amount are relevant	10	Facts tending to enable Court to determine amount are relevant in suits for damages

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
13	Facts relevant when right or custom is in question	11	Facts relevant when right or custom is in question
14	Facts showing existence of state of mind, or of body or bodily feeling	12	Facts showing existence of state of mind, or of body or bodily feeling
15	Facts bearing on question whether act was accidental or intentional	13	Facts bearing on question whether act was accidental or intentional
16	Existence of course of business when relevant	14	Existence of course of business when relevant

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
17	Admission defined	15	Admission defined
18	Admission by party to proceeding or his agent	16	Admission by party to proceeding or his agent
19	Admissions by persons whose position must be proved as against party to suit	17	Admissions by persons whose position must be proved as against party to suit
20	Admissions by persons expressly referred to by party to suit	18	Admissions by persons expressly referred to by party to suit

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
21	Proof of admissions against persons making them, and by or on their behalf	19	Proof of admissions against persons making them, and by or on their behalf
22	When oral admissions as to contents of documents are relevant (Deleted)	20	When oral admissions as to contents of documents are relevant
23	Admissions in civil cases, when relevant	21	Admissions in civil cases, when relevant

IEA 22 A

- **22A. When oral admission as to contents of electronic records are relevant.—**
 - Oral admissions as to the contents of electronic records are not relevant, unless the genuineness of the electronic record produced is in question.
- (deleted)

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
23	Admissions in civil cases, when relevant	21	Admissions in civil cases when relevant
24	Confession caused by inducement, threat or promise, when irrelevant in criminal proceeding	22	Confession caused by inducement, threat, coercion or promise, when irrelevant in criminal proceeding <u>Modification – 1</u>
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		

BSA Sec 22. - Confession caused by inducement, threat, coercion or promise, when irrelevant in criminal proceeding

S.22 - A confession made by an accused person is irrelevant in a criminal proceeding, if the making of the confession appears to the Court to have been caused by any inducement, threat, **coercion** or promise having reference to the charge against the accused person, proceeding from a person in authority and sufficient, in the opinion of the Court, to give the accused person grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him: **(modified)**

Provided that if the confession is made after the impression caused by any such inducement, threat, coercion or promise has, in the opinion of the Court, been fully removed, it is relevant:

Provided further that if such a confession is otherwise relevant, it does not become irrelevant merely because it was made under a promise of secrecy, or in consequence of a deception practised on the accused person for the purpose of obtaining it, or when he was drunk, or because it was made in answer to questions which he need not have answered, whatever may have been the form of those questions, or because he was not warned that he was not bound to make such confession, and that evidence of it might be given against him.

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
25	Confession to police officer not to be proved	23	Confession to police officer 25 ↔ 23(1) 26 ↔ 23(2) 27 ↔ 23 proviso
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		

BSA. S. 23 -Confession to police officer.

23. (1) No confession made to a police officer shall be proved as against a person accused of any offence.
- (2) No confession made by any person while he is in the custody of a police officer, unless it is made in the immediate presence of a Magistrate shall be proved against him:

Provided that when any fact is deposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a police officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact discovered, may be proved (27 IEA)

Note : - Section 25(Confession to police officer not to be proved) , Sec 26 (Confession by accused while in custody of police , not to be proved against him) and Sec27 (How much of information received from accused may be proved.) of IEA are brought together in 23 BSA.

From now onwards the effect of 27 recovery will be controlled by 23 proviso of BSA.

25 ↔ 23(1)

26 ↔ 23(2)

27 ↔ 23 proviso

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
30	Consideration of proved confession affecting person making it and others jointly under trial for same offence	24	Consideration of proved confession affecting person making it and others jointly under trial for same offence New explanation - 1

BSA. S.24 - Consideration of proved confession affecting person making it and others jointly under trial for same offence.

24. When more persons than one are being tried jointly for the same offence, and a confession made by one of such persons affecting himself and some other of such persons is proved, the Court may take into consideration such confession as against such other person as well as against the person who makes such confession.

Explanation I.—"Offence", as used in this section, includes the abetment of, or attempt to commit, the offence.

Explanation II.—A trial of more persons than one held in the absence of the accused who has absconded or who fails to comply with a proclamation issued under section 84 of the Bharatiya Nagarik Suraksha Sanhita, 2023 shall be deemed to be a joint trial for the purpose of this section.

- Illustrations.
- (a) A and B are jointly tried for the murder of C. It is proved that A said—"B and I murdered C". The Court may consider the effect of this confession as against B.
- (b) A is on his trial for the murder of C. There is evidence to show that C was murdered by A and B, and that B said—"A and I murdered C". This statement may not be taken into consideration by the Court against A, as B is not being jointly tried.

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
31	Admissions not conclusive proof, but may estop	25	Admissions not conclusive proof, but may estop
32	Cases in which statement of relevant fact by person who is dead or cannot be found, etc., is relevant	26	Cases in which statement of relevant fact by person who is dead or cannot be found, etc., is relevant Modification – 1
33	Relevancy of certain evidence for proving, in subsequent proceeding, the truth of facts therein stated	27	Relevancy of certain evidence for proving, in subsequent proceeding, the truth of facts therein stated
34	Entries in books of account including those maintained in an electronic form when relevant	28	Entries in books of account when relevant

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
35	Relevancy of entry in public record or an electronic record made in performance of duty	29	Relevancy of entry in public record or an electronic record made in performance of duty
36	Relevancy of statements in maps, charts and plans	30	Relevancy of statements in maps, charts and plans
37	Relevancy of statement as to fact of public nature, contained in certain Acts or notifications	31	Relevancy of statement as to fact of public nature, contained in certain Acts or notifications Modification - 1
38	Relevancy of statements as to any law contained in law books	32	Relevancy of statements as to any law contained in law books <u>including electronic or digital form</u> Modification - 1

BSA . Sec 32. Relevancy of statements as to any law contained in law books **including electronic or digital form.**

S. 32. When the Court has to form an opinion as to a law of any country, any statement of such law contained in a book purporting to be printed or published **including in electronic or digital form** under the authority of the Government of such country and to contain any such law, and any report of a ruling of the Courts of such country contained in a book **including in electronic or digital form** purporting to be a report of such rulings, is relevant.

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
39	What evidence to be given when statement forms part of a conversation, document, electronic record, book or series of letters or papers	33	What evidence to be given when statement forms part of a conversation, document, electronic record, book or series of letters or papers
40	Previous judgments relevant to bar a second suit or trial	34	Previous judgments relevant to bar a second suit or trial
41	Relevancy of certain judgments in probate, etc., jurisdiction	35	Relevancy of certain judgments in probate, etc., jurisdiction Modification-1
42	Relevancy and effect of judgments, orders or decrees, other than those mentioned in section 41	36	Relevancy and effect of judgments, orders or decrees, other than those mentioned in section 35

BSA. S. 35 - Relevancy of certain judgments in probate, etc., jurisdiction.

- 35. (1) A final judgment, order or decree of a competent Court **or Tribunal**, in the exercise of probate, matrimonial, admiralty or insolvency jurisdiction, which confers upon or takes away from any person any legal character, or which declares any person to be entitled to any such character, or to be entitled to any specific thing, not as against any specified person but absolutely, is relevant when the existence of any such legal character, or the title of any such person to any such thing, is relevant.

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
43	Judgments, etc., other than those mentioned in sections 40 to 42, when relevant	37	Judgments, etc., other than those mentioned in sections 34, 35 and 36 when relevant
44	Fraud or collusion in obtaining judgment, or incompetency of Court, may be proved	38	Fraud or collusion in obtaining judgment, or incompetency of Court, may be proved
45	Opinions of experts	39	Opinions of experts Modification-1
45A	Opinion of Examiner of Electronic Evidence	39	Opinions of experts

BSA. S. 39 - Opinions of experts.

39. (1) When the Court has to form an opinion upon a point of foreign law or of science or art, or **any other field**, or as to identity of handwriting or finger impressions, the opinions upon that point of persons specially skilled in such foreign law, science or art, or **any other field**, or in questions as to identity of handwriting or finger impressions are relevant facts and such persons are called experts.

Illustrations.

(a) The question is, whether the death of A was caused by poison. The opinions of experts as to the symptoms produced by the poison by which A is supposed to have died, are relevant.

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
46	Facts bearing upon opinions of experts	40	Facts bearing upon opinions of experts
47	Opinion as to handwriting, when relevant	41	Opinion as to hand-writing and digital signature, when relevant
47A	Opinion as to electronic signature when relevant		
48	Opinion as to existence of right or custom, when relevant	42	Opinion as to existence of general custom or right, when relevant

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
49	Opinions as to usages, tenets, etc., when relevant	43	Opinions as to usages, tenets, etc., when relevant
50	Opinion on relationship, when relevant	44	Opinion on relationship, when relevant
51	Grounds of opinion, when relevant	45	Grounds of opinion, when relevant
52	In civil cases character to prove conduct imputed, irrelevant	46	In civil cases character to prove conduct imputed, irrelevant

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
53	In criminal cases, previous good character relevant	47	In criminal cases, previous good character relevant
53A	Evidence of character or previous sexual experience not relevant in certain cases	48	Evidence of character or previous sexual experience not relevant in certain cases
54	Previous bad character not relevant, except in reply	49	Previous bad character not relevant, except in reply
55	Character as affecting damages	50	Character as affecting damages

PART - 3

It Contains

Chapter III to Chapter VI

Chapter – III - FACTS WHICH NEED NOT BE PROVED

- This chapter contains sections 51 to 53

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
56	Fact judicially noticeable need not be proved	51	Fact judicially noticeable need not be proved
57	Facts of which Court must take - judicial notice	52	Facts of which Court must take - judicial notice <u>New subsection added – 1</u> <u>Modification - 1</u>
58	Facts admitted need not be proved	53	Facts admitted need not be proved

Chapter – IV – OF ORAL EVIDENCE

- This chapter contains sections 54 to 55

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
59	Proof of facts by oral evidence	54	Proof of facts by oral evidence Modification - 1
60	Oral evidence must be direct	55	Oral evidence must be direct

Chapter – V – OF DOCUMENTARY EVIDENCE

- This chapter contains sections 56 to 93
- Four explanations added in primary evidence

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
61	Proof of contents of documents	56	Proof of contents of documents
62	Primary evidence	57	Primary evidence New explanation - 4
63	Secondary evidence	58	Secondary evidence New Sub section added – 3 Modification - 1
64	Proof of documents by primary evidence	59	Proof of documents by primary evidence

BSA. S. 56 - Proof of contents of documents.

- 56. The contents of documents may be proved either by primary or by secondary evidence.



BSA. S. 57 - Primary evidence.

- 57. Primary evidence means the document itself produced for the inspection of the Court.
- Explanation 1.—Where a document is executed in several parts, each part is primary evidence of the document.
- Explanation 2.—Where a document is executed in counterpart, each counterpart being executed by one or some of the parties only, each counterpart is primary evidence as against the parties executing it.
- Explanation 3.—Where a number of documents are all made by one uniform process, as in the case of printing, lithography or photography, each is primary evidence of the contents of the rest; but, where they are all copies of a common original, they are not primary evidence of the contents of the original

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BSA. S. 57- Primary evidence

Explanation 4.—Where an electronic or digital record is created or stored, and such storage occurs simultaneously or sequentially in multiple files, each such file is primary evidence.

Explanation 5.—Where an electronic or digital record is produced from proper custody, such electronic and digital record is primary evidence unless it is disputed.

Explanation 6.—Where a video recording is simultaneously stored in electronic form and transmitted or broadcast or transferred to another, each of the stored recordings is primary evidence.

Explanation 7.—Where an electronic or digital record is stored in multiple storage spaces in a computer resource, each such automated storage, including temporary files, is primary evidence

(4 New Explanations added)

[Continue...](#)

Illustration.

- A person is shown to have been in possession of a number of placards, all printed at one time from one original. Any one of the placards is primary evidence of the contents of any other, but no one of them is primary evidence of the contents of the original.



BSA. S.58 - Secondary evidence

Secondary evidence includes

(vi) oral admissions;

(vii) written admissions;

(viii) evidence of a person who has examined a document, the original of which consists of numerous accounts or other documents which cannot conveniently be examined in Court, and who is skilled in the examination of such documents.

(new subsections added)

(Sec 15 BSA. An admission is a statement, oral or documentary or contained in electronic form, which suggests any inference as to any fact in issue or relevant fact, and which is made by any of the persons, and under the circumstances, hereinafter mentioned.)

Note : - The Sec 63 IEA Modified and renumbered adding the above sub sections in Sec 58 in BSA. (modified)

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Illustration.

- (a) A photograph of an original is secondary evidence of its contents, though the two have not been compared, if it is proved that the thing photographed was the original.
- (b) A copy compared with a copy of a letter made by a copying machine is secondary evidence of the contents of the letter, if it is shown that the copy made by the copying machine was made from the original.

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
65	Cases in which secondary evidence relating to documents may be given	60	Cases in which secondary evidence relating to documents may be given
-	-	61	Electronic or digital record New Section
65A	Special provisions as to evidence relating to electronic record	62	Special provisions as to evidence relating to electronic record
65B	Admissibility of electronic records	63	Admissibility of electronic records New sub section added Modification
66	Rules as to notice to produce	64	Rules as to notice to produce Modification

BSA Sec.61- Electronic or digital record.

- Sec.61 - Nothing in this Adhiniyam shall apply to deny the admissibility of an electronic or digital record in the evidence on the ground that it is an electronic or digital record and such record shall, subject to section 63, have the same legal effect, validity and enforceability as other document.
- (New section added)



BSA. S. 63 - Admissibility of electronic records

63. (1) - Notwithstanding anything contained in this Adhiniyam, any information contained in an electronic record which is printed on paper, stored, recorded or copied in optical or magnetic media or semiconductor memory which is produced by a computer or any communication device or otherwise stored, recorded or copied in any electronic form (hereinafter referred to as the computer output) shall be deemed to be also a document, if the conditions mentioned in this section are satisfied in relation to the information and

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computer in question and shall be admissible in any proceedings, without further proof or production of the original, as evidence or any contents of the original or of any fact stated therein of which direct evidence would be admissible.

(2) The conditions referred to in sub-section (1) in respect of a computer output shall be the following, namely:—

(a) the computer output containing the information was produced by the computer or communication device during the period over which the computer or communication device was used regularly to create, store or process information for the purposes of any activity regularly carried on over that period by the person having lawful control over the use of the computer or communication device;

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- (b) during the said period, information of the kind contained in the electronic record or of the kind from which the information so contained is derived was regularly fed into the computer or **communication device** in the ordinary course of the said activities;
- (c) throughout the material part of the said period, the computer **or communication device** was operating properly or, if not, then in respect of any period in which it was not operating properly or was out of operation during that part of the period, was not such as to affect the electronic record or the accuracy of its contents; and
- (d) the information contained in the electronic record reproduces or is derived from such information fed into the computer **or communication device** in the ordinary course of the said activities.

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(3) Where over any period, the function **of creating**, storing or processing information for the purposes of any activity regularly carried on over that period as mentioned in clause (a) of sub-section (2) was regularly performed by **means of one or more computers or communication device**, whether—

(a) **in standalone mode**; or (Changed from IEA “by compination of computers operating over that period”)

(b) **on a computer system; or** (Changed from IEA “by different computers operating in succession over that period”)

(c) **on a computer network; or** (Changed from IEA “by different combinations of computers operating in succession over that period”)

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(d) on a computer resource enabling information creation or providing information processing and storage; or (Changed from IEA “in any other manner involving the successive operation over that period, in whatever order, of one or more computers and one or more combination of computers”)

(e) through an intermediary, (sub section added)
all the computers or communication devices used for that purpose during that period shall be treated for the purposes of this section as constituting a single computer or communication device; and references in this section to a computer or communication device shall be construed accordingly.

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(4) In any proceeding where it is desired to give a statement in evidence by virtue of this section, a certificate doing any of the following things shall be submitted along with the electronic record at each instance where it is being submitted for admission, namely:—

- (a) identifying the electronic record containing the statement and describing the manner in which it was produced;
- (b) giving such particulars of any device involved in the production of that electronic record as may be appropriate for the purpose of showing that the electronic record was produced by a computer or a communication device referred to in clauses (a) to (e) of sub-section (3);
- (c) dealing with any of the matters to which the conditions mentioned in sub-section (2) relate

and purporting to be signed by a person in charge of the computer or communication device or the management of the relevant activities (whichever is appropriate) and an expert shall be evidence of any matter stated in the certificate; and for the purposes of this sub-section it shall be sufficient for a matter to be stated to the best of the knowledge and belief of the person stating it in the certificate specified in the Schedule.

Note: (occupying a responsible official position in relation to the operation of the relevant device or the management of the relevant activities – whichever is appropriate in IEA is replaced as noted above in BSA)

Continue.....

THE SCHEDULE

[See section 63(4)(c)]

CERTIFICATE

PART A

(To be filled by the Party)

I, _____ (Name), Son/daughter/spouse of _____
residing/employed at _____ do hereby solemnly affirm and
sincerely state and submit as follows:—

I have produced electronic record/output of the digital record taken from the following
device/digital record source (tick mark):—

Computer / Storage Media ☐ DVR ☐ Mobile ☐ Flash Drive ☐

CD/DVD ☐ Server ☐ Cloud ☐ Other ☐

Other: _____

Make & Model: _____ Color: _____

Serial Number: _____

IMEI/UIN/UID/MAC/Cloud ID _____ (as applicable)

and any other relevant information, if any, about the device/digital record _____ (specify).

The digital device or the digital record source was under the lawful control for regularly
creating, storing or processing information for the purposes of carrying out regular
activities and during this period, the computer or the communication device was working
properly and the relevant information was regularly fed into the computer during the
ordinary course of business. If the computer/digital device at any point of time was not
working properly or out of operation, then it has not affected the electronic/digital
record or its accuracy. The digital device or the source of the digital record is:—

Owned ☐ Maintained ☐ Managed ☐ Operated ☐

by me (select as applicable).

I state that the HASH value/s of the electronic/digital record/s is _____,
obtained through the following algorithm:—

☐ SHA1:

☐ SHA256:

☐ MD5:

☐ Other _____ (Legally acceptable standard)

(Hash report to be enclosed with the certificate)

(Name and signature)

Date (DD/MM/YYYY): _____

Time (IST): _____ hours (In 24 hours format)

Place: _____

PART B

(To be filled by the Expert)

I, _____ (Name), Son/daughter/spouse of _____
residing/employed at _____ do hereby solemnly affirm and
sincerely state and submit as follows:—

The produced electronic record/output of the digital record are obtained from the following
device/digital record source (tick mark):—

Computer / Storage Media ☐ DVR ☐ Mobile ☐ Flash Drive ☐

CD/DVD ☐ Server ☐ Cloud ☐ Other ☐

Other: _____

Make & Model: _____ Color: _____

Serial Number: _____

IMEI/UIN/UID/MAC/Cloud ID _____ (as applicable)

and any other relevant information, if any, about the device/digital record _____ (specify).

I state that the HASH value/s of the electronic/digital record/s is _____,
obtained through the following algorithm:—

☐ SHA1:

☐ SHA256:

☐ MD5:

☐ Other _____ (Legally acceptable standard)

(Hash report to be enclosed with the certificate)

(Name, designation and signature)

Date (DD/MM/YYYY): _____

Time (IST): _____ hours (In 24 hours format)

Place: _____

5) For the purposes of this section,—

- (a) information shall be taken to be supplied to a computer **or communication device** if it is supplied thereto in any appropriate form and whether it is so supplied directly or (with or without human intervention) by means of any appropriate equipment;
- (b) a computer output shall be taken to have been produced by a computer or **communication device** whether it was produced by it directly or (with or without human intervention) by means of any appropriate equipment or by other electronic means as referred to in clauses (a) to (e) of sub-section (3).

Note : Sub section 5(b) of Sec.65 in IEA is deleted and sub section 5c of sec.65 of IEA is renumbered as subsection 5b of sec 63 in BSA



BSA. Sec 64 - Rules as to notice to produce.

S. 64. Secondary evidence of the contents of the documents referred to in clause (a) of section 60, shall not be given unless the party proposing to give such secondary evidence has previously given to the party in whose possession or power the document is, or to his **advocate or representative**, such notice to produce it as is prescribed by law; and if no notice is prescribed by law, then such notice as the Court considers reasonable under the circumstances of the case:

Note :- **attorney or Pleader modified to above**

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
67	Proof of signature and handwriting of person alleged to have signed or written document produced	65	Proof of signature and handwriting of person alleged to have signed or written document produced
67A	Proof as to electronic signature	66	Proof as to electronic signature
68	Proof of execution of document required by law to be attested	67	Proof of execution of document required by law to be attested
69	Proof where no attesting witness found	68	Proof where no attesting witness found
70	Admission of execution by party to attested document	69	Admission of execution by party to attested document

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
71	Proof when attesting witness denies the execution	70	Proof when attesting witness denies execution
72	Proof of document not required by law to be attested	71	Proof of document not required by law to be attested
73	Comparison of signature, writing or seal with others admitted or proved	72	Comparison of signature, writing or seal with others admitted or proved
73A	Proof as to verification of digital signature	73	Proof as to verification of digital signature
74	Public documents	74	Public and private documents <u>Modification - 1</u>
75	Private documents (Added in BSA 74)		

BSA. S . 74 - Public and private documents.

74. (1) The following documents are public documents:—
- (a) documents forming the acts, or records of the acts—
 - (i) of the sovereign authority;
 - (ii) of official bodies and tribunals; and
 - (iii) of public officers, legislative, judicial and executive of India or of a foreign country;
 - (b) public records kept in any State or Union territory of private documents.
- (2) All other documents except the documents referred to in sub-section (1) are private.

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
76	Certified copies of public documents	75	Certified copies of public documents
77	Proof of documents by production of certified copies	76	Proof of documents by production of certified copies
78	Proof of other official documents	77	Proof of other official documents Modification - 1
79	Presumption as to genuineness of certified copies	78	Presumption as to genuineness of certified copies

BSA . S .77 - Proof of other official documents

Note; -

- Sec 78 (1,2,3,4,5,6) of IEA is renumbered as Sec 77(a,b,c,d,e,f) in BSA.
- All Colonial languages were deleted.

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
80	Presumption as to documents produced as record of evidence	79	Presumption as to documents produced as record of evidence etc
81	Presumption as to Gazettes, newspapers, private Acts of Parliament and other documents	80	Presumption as to Gazettes, newspapers, and other documents
81A	Presumption as to Gazettes in electronic forms	81	Presumption as to Gazettes in electronic or digital record Modification - 1

BSA. S.81 - Presumption as to Gazettes in electronic or digital record.

81. The Court shall presume the genuineness of every electronic **or digital record** purporting to be the Official Gazette, or purporting to be electronic **or digital record** directed by any law to be kept by any person, if such electronic **or digital record** is kept substantially in the form required by law and is produced from proper custody.

Explanation.—For the purposes of this section and section 93 electronic records are said to be in proper custody if they are in the place in which, and looked after by the person with whom such document is required to be kept; but no custody is improper if it is proved to have had a legitimate origin, or the circumstances of the particular case are such as to render that origin probable. (Modified)

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
83	Presumption as to maps or plans made by authority of Government	82	Presumption as to maps or plans made by authority of Government
84	Presumption as to collections of laws and reports of decisions	83	Presumption as to collections of laws and reports of decisions
85	Presumption as to power-of attorney	84	Presumption as to powers-of attorney
85A	Presumption as to electronic agreements	85	Presumption as to electronic agreements Modification - 1

BSA. S. 85 - Presumption as to electronic agreements

85. The Court shall presume that every electronic record purporting to be an agreement containing the electronic or digital signature of the parties was so concluded by affixing the electronic or digital signature of the parties

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
85B	Presumptions as to electronic records and electronic signatures	86	Presumptions as to electronic records and electronic signatures
85C	Presumption as to Electronic Signature Certificates	87	Presumption as to Electronic Signature Certificates
86	Presumption as to certified copies of foreign judicial records	88	Presumption as to certified copies of foreign judicial records
87	Presumption as to books, maps and charts	89	Presumption as to books, maps and charts

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
88A	Presumption as to electronic messages	90	Presumption as to electronic messages
89	Presumption as to due execution, etc., of documents, not produced	91	Presumption as to due execution, etc., of documents, not produced
90	Presumption as to documents thirty years old	92	Presumption as to documents thirty years old
90A	Presumption as to electronic records five years old	93	Presumption as to electronic records five years old

Chapter – VI – OF THE EXCLUSION OF ORAL EVIDENCE BY DOCUMENTARY EVIDENCE

- This chapter contains sections 94 to 103

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
91	Evidence of terms of contracts, grants and other dispositions of property reduced to form of documents	94	Evidence of terms of contracts, grants and other dispositions of property reduced to form of documents
92	Exclusion of evidence of oral agreement	95	Exclusion of evidence of oral agreement
93	Exclusion of evidence to explain or amend ambiguous document	96	Exclusion of evidence to explain or amend ambiguous document

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
94	Exclusion of evidence against application of document to existing facts	97	Exclusion of evidence against application of document to existing facts
95	Evidence as to document unmeaning in reference to existing facts	98	Evidence as to document unmeaning in reference to existing facts
96	Evidence as to application of language which can apply to one only of several persons	99	Evidence as to application of language which can apply to one only of several persons
97	Evidence as to application of language to one of two sets of facts, to neither of which the whole correctly applies	100	Evidence as to application of language to one of two sets of facts, to neither of which the whole correctly applies

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
98	Evidence as to meaning of illegible characters, etc.	101	Evidence as to meaning of illegible characters, etc Modification - 1.
99	Who may give evidence of agreement varying terms of document	102	Who may give evidence of agreement varying terms of document
100	Saving of provisions of Indian Succession Act relating to wills	103	Saving of provisions of Indian Succession Act relating to wills

PART - 4

It Contains

Chapter VII to Chapter XII

Chapter – VII – OF THE BURDEN OF PROOF

- This chapter contains sections 104 to 120.

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
101	Burden of proof	104	Burden of proof
102	On whom burden of proof lies	105	On whom burden of proof lies
103	Burden of proof as to particular fact	106	Burden of proof as to particular fact
104	Burden of proving fact to be proved to make evidence admissible	107	Burden of proving fact to be proved to make evidence admissible
105	Burden of proving that case of accused comes within exceptions	108	Burden of proving that case of accused comes within exceptions

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
106	Burden of proving fact especially within knowledge	109	Burden of proving fact especially within knowledge
107	Burden of proving death of person known to have been alive within thirty years	110	Burden of proving death of person known to have been alive within thirty years
108	Burden of proving that person is alive who has not been heard of for seven years	111	Burden of proving that person is alive who has not been heard of for seven years
109	9 Burden of proof as to relationship in the cases of partners, landlord and tenant, principal and agent	112	9 Burden of proof as to relationship in the cases of partners, landlord and tenant, principal and agent

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
110	Burden of proof as to ownership	113	Burden of proof as to ownership
111	Proof of good faith in transactions where one party is in relation of active confidence	114	Proof of good faith in transactions where one party is in relation of active confidence
111A	Presumption as to certain offences	115	Presumption as to certain offences
112	Birth during marriage, conclusive proof of legitimacy	116	Birth during marriage, conclusive proof of legitimacy

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
113A	Presumption as to abetment of suicide by a married woman	117	Presumption as to abetment of suicide by a married woman
113B	Presumption as to dowry death	118	Presumption as to dowry death
114	Court may presume existence of certain facts	119	Court may presume existence of certain facts
114A	Presumption as to absence of consent in certain prosecution for rape	120	Presumption as to absence of consent in certain prosecution for rape <u>Modification - 1</u>

BSA . S. 120 - Presumption as to absence of consent in certain prosecution for rape

120. In a prosecution for rape under sub-section (2) of section 64 of the Bharatiya Nyaya Sanhita, 2023, where sexual intercourse by the accused is proved and the question is whether it was without the consent of the woman alleged to have been raped and such woman states in her evidence before the Court that she did not consent, the Court shall presume that she did not consent.

Explanation.—In this section, "sexual intercourse" shall mean any of the acts mentioned in section 63 of the Bharatiya Nyaya Sanhita, 2023.

Note - References to clauses a ,b,c,d,e,f,g,h,i,j,k,l,m,n, of Sub section 2 of 376 IPC mentioned in 114 A , IEA is removed in BSA here.

Chapter – VIII – ESTOPPEL

- This chapter contains sections 121 to 123.

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
115	Estoppel	121	Estoppel
116	Estoppel of tenant; and of licensee of person in possession	122	Estoppel of tenant; and of licensee of person in possession
117	Estoppel of acceptor of bill of exchange, bailee or licensee	123	Estoppel of acceptor of bill of exchange, bailee or licensee

Chapter –IX – OF WITNESSES

- This chapter contains sections 124 to 139.

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
118	Whom may testify	124	Whom may testify
119	Witness unable to communicate verbally	125	Witness unable to communicate verbally
120	Parties to civil suit, and their wives or husbands—husband or wife of person under criminal trial	126	Competency of husband and wife as witnesses in certain cases Note
121	Judges and Magistrates	127	Judges and Magistrates

BSA Sec.126 - Competency of husband and wife as witnesses in certain cases.

- BSA Sec. 126. (1) In all civil proceedings the parties to the suit, and the husband or wife of any party to the suit, shall be competent witnesses.
- (2) In criminal proceedings against any person, the husband or wife of such person, respectively, shall be a competent witness.

Note : The heading of the section was changed from IEA.

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
122	Communications during marriage	128	Communications during marriage
123	Evidence as to affairs of State	129	Evidence as to affairs of State
124	Official communications	130	Official communications
125	Information as to commission of offences	131	Information as to commission of offences

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
126	Professional communications	132	Professional communications
128	Privilege not waived by volunteering evidence	133	Privilege not waived by volunteering evidence
129	Confidential communications with legal advisers	134	Confidential communications with legal advisers

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
130	Production of title-deeds of witness not a party	135	Production of title-deeds of witness not a party
131	Production of documents or electronic records which another person, having possession, could refuse to produce	136	Production of documents or electronic records which another person, having possession, could refuse to produce
132	Witness not excused from answering on ground that answer will criminate	137	Witness not excused from answering on ground that answer will criminate
133	Accomplice	138	Accomplice Modification – 1
134	Number of witnesses	139	Number of witnesses

Chapter –X – OF EXAMINATION OF WITNESSES

- This chapter contains sections 140 to 168.

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
135	Order of production and examination of witnesses	140	Order of production and examination of witnesses
136	Judge to decide as to admissibility of evidence	141	Judge to decide as to admissibility of evidence
137	Examination-in-chief	142	Examination of witnesses <u>Note</u> Heading changed

BSA Sec-142 - Examination of witnesses.

- 142.(1) The examination of a witness by the party who calls him shall be called his examination-in-chief.
- (2) The examination of a witness by the adverse party shall be called his cross-examination.
- (3) The examination of a witness, subsequent to the cross-examination, by the party who called him, shall be called his re-examination.

Note: Heading changed

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
138	Order of examinations	143	Order of examinations
139	Cross-examination of person called to produce a document	144	Cross-examination of person called to produce a document
140	Witnesses to character	145	Witnesses to character

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
141	Leading questions	146	Leading questions <u>Note</u> 3 sections clubbed together
142	When they must not be asked		
143	When they may be asked		
144	Evidence as to matters in writing	147	Evidence as to matters in writing
145	Cross-examination as to previous statements in writing	148	Cross-examination as to previous statements in writing

BSA Sec. 146 - Leading questions

- 146. (1) Any question suggesting the answer which the person putting it wishes or expects to receive, is called a leading question.
- (2) Leading questions must not, if objected to by the adverse party, be asked in an examination-in-chief, or in a re-examination, except with the permission of the Court.
- (3) The Court shall permit leading questions as to matters which are introductory or undisputed, or which have, in its opinion, been already sufficiently proved. (4) Leading questions may be asked in cross-examination.

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
146	Questions lawful in cross-examination	149	Questions lawful in cross-examination
147	When witness to be compelled to answer	150	When witness to be compelled to answer
148	Court to decide when question shall be asked and when witness compelled to answer	151	Court to decide when question shall be asked and when witness compelled to answer
149	Question not to be asked without reasonable grounds	152	Question not to be asked without reasonable grounds

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
150	Procedure of Court in case of question being asked without reasonable grounds	153	Procedure of Court in case of question being asked without reasonable grounds
151	Indecent and scandalous questions	154	Indecent and scandalous questions
152	Questions intended to insult or annoy	155	Questions intended to insult or annoy
153	Exclusion of evidence to contradict answers to questions testing veracity	156	Exclusion of evidence to contradict answers to questions testing veracity

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
154	Question by party to his own witness	157	Question by party to his own witness
155	Impeaching credit of witness	158	Impeaching credit of witness
156	Questions tending to corroborate evidence of relevant fact, admissible	159	Questions tending to corroborate evidence of relevant fact, admissible
157	Former statements of witness may be proved to corroborate later testimony as to same fact	160	Former statements of witness may be proved to corroborate later testimony as to same fact

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
158	What matters may be proved in connection with proved statement relevant under section 32 or 33	161	What matters may be proved in connection with proved statement relevant under section 26 or 27
159	Refreshing memory	162	Refreshing memory
160	Testimony to facts stated in document mentioned in section 159	163	Testimony to facts stated in document mentioned in section 162
161	Right of adverse party as to writing used to refresh memory	164	Right of adverse party as to writing used to refresh memory

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
162	Production of documents	165	Production of documents Provisos added - 2
163	Giving, as evidence, of document called for and produced on notice	166	Giving, as evidence, of document called for and produced on notice
164	Using, as evidence, of document, production of which was refused on notice	167	Using, as evidence, of document, production of which was refused on notice
165	Judge's power to put questions or order production	168	Judge's power to put questions or order production Modification -1

BSA . S 165 - Production of documents

165. (1) A witness summoned to produce a document shall, if it is in his possession or power, bring it to Court, notwithstanding any objection which there may be to its production or to its admissibility:

Provided that the validity of any such objection shall be decided on by the Court.

(2) The Court, if it sees fit, may inspect the document, unless it refers to matters of State, or take other evidence to enable it to determine on its admissibility.

(3) If for such a purpose it is necessary to cause any document to be translated, the Court may, if it thinks fit, direct the translator to keep the contents secret, unless the document is to be given in evidence and, if the interpreter disobeys such direction, he shall be held to have committed an offence under section 198 of the Bharatiya Nyaya Sanhita, 2023:

Provided that no Court shall require any communication between the Ministers and the President of India to be produced before it.



BSA. S. 168 - Judge's power to put questions or order production.

168. - The Judge may, in order to discover or obtain proof of relevant facts, ask any question he **considers necessary**, in any form, at any time, of any witness, or of the parties about any fact; and may order the production of any document or thing; and neither the parties nor their **representatives** shall be entitled to make any objection to any such question or order, nor, without the leave of the Court, to cross-examine any witness upon any answer given in reply to any such question:

Note :- Terms “**proper , pleases, releavant or irreleavnt , agent**” are deleted from 165 IEA and modified as above

Chapter –XI – OF IMPROPER ADMISSION AND REJECTION OF EVIDENCE

- This chapter contains section 169.

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
167	No new trial for improper admission or rejection of evidence	169	No new trial for improper admission or rejection of evidence

Chapter –XII – REPEAL AND SAVINGS

- This chapter contains section 170.

Indian Evidence Act, 1872		Bharatiya Sakshya Adhiniyam, 2023	
Section	Heading	Section	Heading
2	Repeal of enactments	170	Repeal and savings new section added -1

BSA Sec 170. - Repeal and savings

170. (1) - The Indian Evidence Act, 1872 is hereby repealed.

(2) Notwithstanding such repeal, if, immediately before the date on which this Adhiniyam comes into force, there is any application, trial, inquiry, investigation, proceeding or appeal pending, then, such application, trial, inquiry, investigation, proceeding or appeal shall be dealt with under the provisions of the Indian Evidence Act, 1872, as in force immediately before such commencement, as if this Adhiniyam had not come into force. (Newly added section)



Thank you

Dinil J.K
Deputy Superintendent of Police (Admin)
State Special Branch