

The Bharatiya Sakshya Adhiniyam, 2023

- Act no (47) of 2023
- Procedural Law
- Lex Fori (Law of forum)
- Assent - 25th December 2023 [President's]
- Enforced - 1st July 2024
- Total - (4) Parts, (12) Chapters, (170) Sections.
- Concurrent List's Subject - List III, Entry (12)
- applies on both - civil (mere preponderance of evidence)
criminal (beyond reasonable doubt)

Target for IQ - 7500110314

Cardinal Principles:

- 1) Evidence must be confined to fact in issue & relevant fact.
- 2) Hearsay Evidence must not be admitted.
- 3) Best Evidence must be given.

Chapter 1 [Preliminary] Sec. 1-2

Sec. 1: ¹ Short Title, ² Application & ³ Commencement

The Bharatiya Sakshya Adhiniyam, 2023.

• All Judicial proceedings in or before any Court including Court Martial

1st July 2024.

Non-Application: Affidavits presented to any Court/Officer, to proceedings before an arbitrator.

Sec 2: Definitions

2(a) Court : includes All Judges + Magistrates
Persons (legally authorised to take evidence)
≡ except - Arbitrators.

Judges - 2(16), BNS
Magistrates - 3(32)
General Clauses Act, 1897

sl/w 2(h)
2(c)

2(b) Conclusive Proof

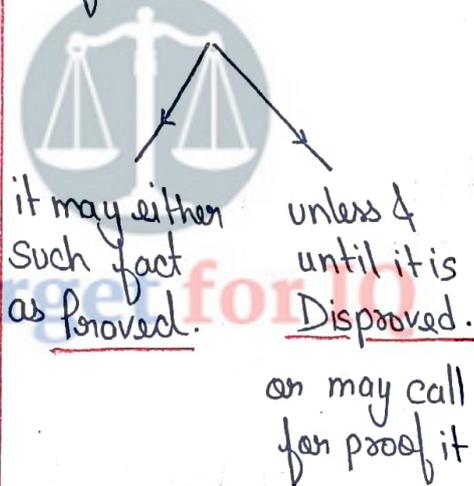
When one fact is declared by this Adhinyam
↓
to be conclusive proof of another

The Court shall regard the other as proved, on proof of one fact, and shall not allow evidence to be given for purpose of disproving it.

2(b) May Presume

Whenever it is provided by this Adhinyam,

The Court may presume a fact



2(c) Shall Presume

Whenever it is directed by this Adhinyam,

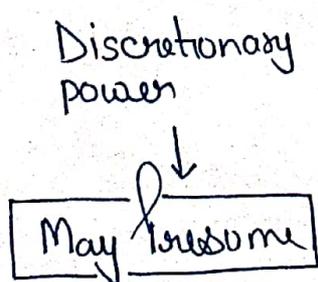
The Court shall presume a fact

↓
it shall regard such fact as Proved,

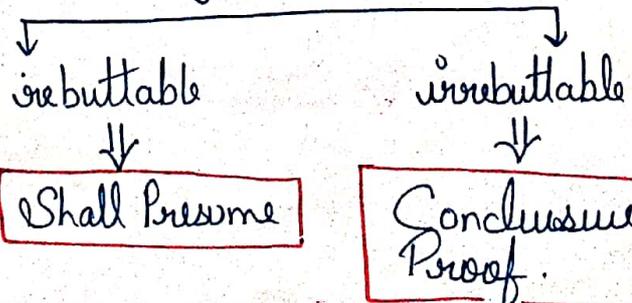
unless & until it is disproved.

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Presumption of Fact & Law;



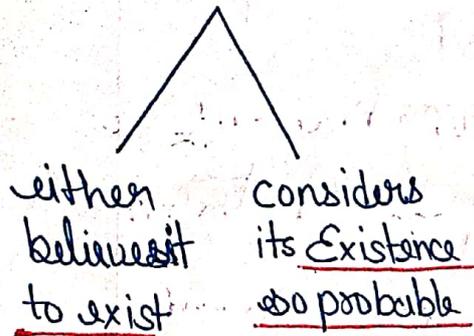
Mandatory presumption



2(c) Proved

A fact is said to be proved when,

The Court

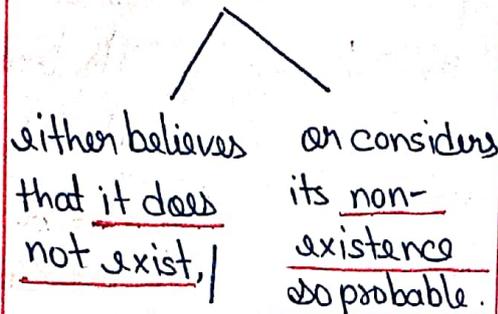


that a prudent man ought, under circumstances of the particular case, to act upon the supposition that it exists.

2(j) Disproved

A fact is said to be disproved when,

The Court



that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it does not exist.

2(i) Not Proved

A fact is said not to be proved,

when it is neither



Target for IQ

Document - 2(8)
BNS.

2(d) Document

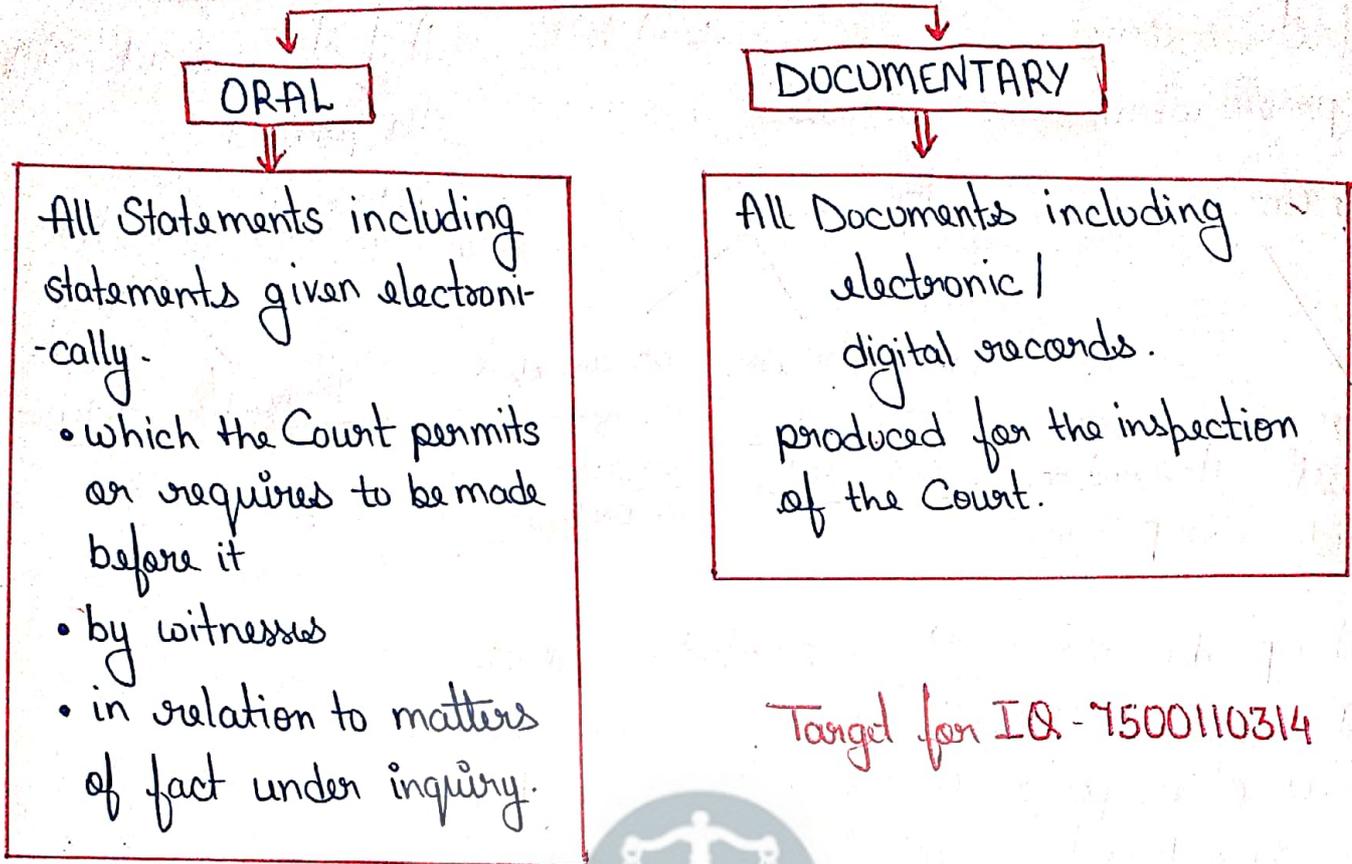
Any matter - expressed or described or otherwise recorded - upon any substance

by means of letters, Figures / Marks or other or by one / more these means

Intended to be used / which may be used for the purpose of recording that matter & includes - electronic & Digital records.

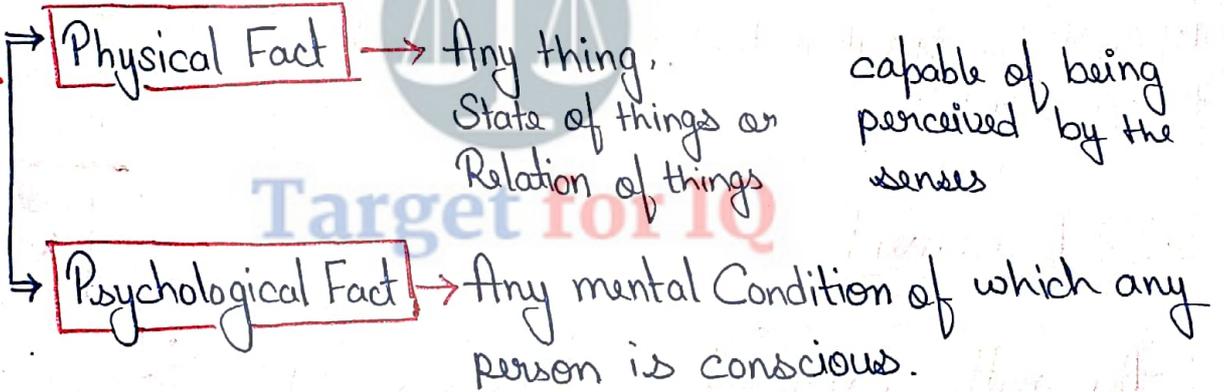
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2(e) Evidence



Target for IQ - 7500110314

2(f) Fact :



2(g) Fact in issue -

means & includes any fact from which -

• either by itself or connection with other - Existence

non-existence

nature

extent of

[Right,
Liability or
Disability

• Asserted / Denied in any suit/proceeding.

2(h) Relevant (3-50)

A fact is said to be relevant to another -

when it is Connected with the other ↓

in any of the ways referred to in provisions of Adhiniyam relating to the relevancy of facts.