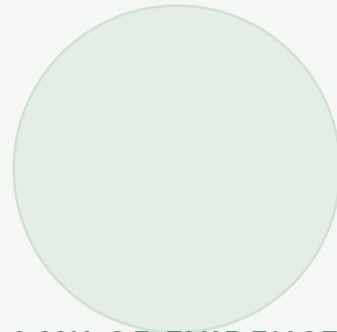




LAW OF EVIDENCE

UNIT - I

Facts, Relevancy, Admissions • IEA 1872 / BSA 2023

Twenty slides in this unit

1. Substantive vs procedural

2. Salient features

3. Fact / fact in issue

4. Relevant facts

5. Proved / disproved

6. Direct vs circumstantial

7. Witness & appreciation

8. Presumptions

9. Res gestae ss.6-9

10. s.10 conspiracy

11. s.11 inconsistency

12. Custom s.13

13. State of mind s.14

14. Admissions 17-23

15. Privileged admissions

16. Cases I

17. Cases II

18. BSA map

19. Takeaways

20. Close

Substantive and procedural law

Evidence law is procedural: it does not create the crime or the contract. It decides how a fact may be proved before a court.

Substantive

IPC/BNS, Contract, Property – rights and duties.

Procedural

CPC, CrPC/BNSS, Evidence – the machinery of proof.

Why it matters

A strong case still fails if the fact is irrelevant or hit by an exclusion.

BSA 2023

Same character; numbering changed, core ideas kept.

Salient features of the Indian Evidence Act

One Act, two forums

Applies to civil and criminal courts, with special criminal rules on confessions.

Relevancy first

ss.5-16 IEA – only relevant facts may be given.

Admissions / confessions

Separate regimes; police confessions tightly barred.

Best evidence

Documents generally by primary evidence.

Judge-made gates

Judge decides admissibility; jury (historically) or judge-of-fact weighs.

Presumptions

Some facts the court may or shall presume – ss.79-90, 112-114.

Fact, fact in issue, relevant fact

s.3 IEA definitions. A fact is anything perceivable or a mental condition. A fact in issue is a fact asserted or denied in the pleadings / charge. A relevant fact is connected with a fact in issue in any of the ways the Act later lists.

Fact in issue

Did A cause B's death? Was there consent?

Relevant fact

A bought the knife the day before – goes to preparation.

Not every useful fact

Gossip and character are often excluded even if interesting.

BSA

Same conceptual trio under the definition section.

Proved, disproved, not proved

Proved

Court believes it exists, or considers its existence so probable that a prudent person would act.

Disproved

Prudent person would act on the belief that it does not exist.

Not proved

Neither proved nor disproved – a draw on that fact.

Standard – civil

Preponderance of probabilities.

Standard – criminal

Beyond reasonable doubt on the prosecution case.

s.3 is the engine

Every later section feeds this definition.

Direct and circumstantial evidence

Direct evidence is testimony of a fact perceived by the witness. Circumstantial evidence is a chain of relevant facts from which the fact in issue is inferred.

Direct

'I saw him stab.'

Circumstantial

Motive + last seen + blood + false explanation.

Test

Sharad Birdhichand Sarda – five golden principles of circumstance.

No legal grade

The Act does not say circumstance is weaker; the chain must be complete.

Witness and appreciation

Who

A competent witness (Unit V) who perceived or is an expert.

Appreciation

Demeanour, consistency, corroboration, interest.

Quality > number

s.134 IEA – no particular number of witnesses required.

Interested witness

Not automatically discarded; caution is enough.

Police witness

Acceptable; want of independent witness is not fatal in every street crime.

Sterling witness

If wholly reliable, conviction can rest on one (Vadivelu Thevar).

Presumptions – first look

May presume / shall presume / conclusive proof (s.4 IEA). Full treatment is Unit IV; here only the idea that some facts start half-proved.

May presume

Court may treat as proved until rebutted – discretion.

Shall presume

Court must treat as proved until rebutted.

Conclusive

No evidence to the contrary is allowed.

Example

s.113B dowry death – shall presume in the stated conditions.

Res gestae and ss.6–9

s.6: facts forming part of the same transaction are relevant. This is India's res gestae. ss.7–9 add occasion, cause, effect, motive, preparation, conduct, identification, and introductory facts.

s.6

Words cried out during the attack – part of the transaction.

s.7

Cause and effect – blood on the floor, broken door.

s.8

Motive, preparation, previous/subsequent conduct.

s.9

Identity, names, and facts explaining a relevant fact.

ss.10–14 selected relevancy

s.10

Things said or done by a conspirator in reference to the common design.

s.11

Inconsistent facts, or facts making a fact in issue highly probable or improbable.

s.13

Transaction by which a right or custom is created, claimed, modified.

s.14

State of mind or body – intention, knowledge, good faith, negligence.

s.15

Similar acts when the question is accident versus system.

Limit

Similar-fact evidence is watched; it must not be mere bad-character smearing.

Admissions – ss.17–23 / BSA counterparts

An admission is a statement suggesting an inference as to a fact in issue or relevant fact, made by a party (or specified agents). It is relevant against the maker.

s.17 definition

Statement – oral, documentary, or electronic now.

ss.18–20

By party, agent, privy, person interested in subject-matter, referee.

s.21

Proof of admissions against / in favour, with limits.

s.23

Admissions in civil cases made on ‘without prejudice’ negotiation – often shut out.

Why admissions matter

Shortcut

They reduce what the opposite party must prove.

Not conclusive

An admission can be explained or withdrawn in effect by other evidence.

Whole statement

Do not pick one sentence and hide the rest.

Formal vs informal

Pleadings vs a casual letter.

Silence

Rarely an admission unless duty to speak.

Criminal cousin

Confessions are a species of admission with extra filters (Unit II).

Relevancy and circumstance

Sharad Birdhichand Sarda (1984)

Five rules of circumstantial proof.

Hanumant v. State of M.P. (1952)

Circumstance must be consistent only with guilt.

Ratten v. R (PC)

Call as part of the transaction – res gestae idea.

Gentela Vijayavardhan Rao

s.6 contemporaneity; delayed statement is weaker.

Lakshmandas Chaganlal

s.10 – conspiracy statements during the design.

Navjot Sandhu / Kehar Singh

s.10 used with caution in conspiracy trials.

Admissions and definitions

Sahoo v. State of U.P.

Extra-judicial admission / confession distinction.

Bharat Singh v. Bhagirathi

Admission is substantive but not conclusive.

Biswanath Prasad v. Dwarka Prasad

Party's admission shifts the onus practically.

Vadivelu Thevar (1957)

Classification of witnesses; one good witness can suffice.

Palvinder Kaur

Admission/confession must be read as a whole.

State of Maharashtra v. Damu

s.27 discovery sits at the edge of this unit and Unit II.

Facts which are not relevant (traps)

Mere rumour

Not a s.6 fact unless it is itself a relevant utterance.

Similar mischief

Need s.14/15 hook; not a character smear.

Opinion of a neighbour

Usually hearsay unless expert or s.50 relationship.

Negotiation chat

s.23 may shut it out in civil matters.

Police diary thoughts

Not a substitute for evidence.

Facebook gossip

Electronic, but still must pass relevancy.

How to write a relevancy answer

Name the fact, name the fact in issue, name the section that connects them, and add one case. That is a first-class structure.

Step 1

Is it a fact in issue or only a relevant fact?

Step 2

Which door – s.6, 8, 10, 14, 17?

Step 3

Any exclusion waiting in Units II–III?

Step 4

Cite Sarda if the case is circumstantial.

IEA → BSA 2023 quick map (Unit I)

IEA s.3 definitions

BSA s.2 – proved / fact.

IEA ss.5–9

BSA ss.3–7 area – relevancy / transaction.

IEA s.10

BSA s.8 – conspiracy.

IEA s.14

BSA s.12 – state of mind.

IEA ss.17–23

BSA ss.15–21 – admissions.

Always write both

Syllabus is IEA; courts now also work with BSA.

Key takeaways

- 01 Evidence is procedure: relevancy first, then proof.
- 02 Fact in issue vs relevant fact is the basic distinction.
- 03 Circumstantial evidence is good if the Sarda chain is closed.
- 04 ss.6-9 are everyday relevancy tools; s.6 is res gestae.
- 05 Admissions (17-23) bind the maker but are not conclusive.
- 06 Cite Sarda, Hanumant, Vadivelu Thevar, Bharat Singh.

End of UNIT – I

Next: UNIT-II • Confessions, dying declarations, experts