



## PART I: RELEVANCY OF THE FACTS

Chapter

1

# Preliminary

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### SECTION 1: Short Title—This Act may be Called the Indian Evidence Act, 1872

**Extent:** It extends to the whole of India including Jammu and Kashmir and applies to all judicial proceedings in or before any Court, including Courts-martial, other than Courts-martial convened under the Army Act (44 and 45 Vict., c. 58) or the Naval Discipline (29 and 30 Vict., 109) Act or the Indian Navy (Discipline) Act, 1934 (34 of 1934) or the Air Force Act (7 Geo. 5, c. 51)] but not to affidavits presented to any Court or officer, nor to proceedings before an arbitrator.

### SECTION 2: Rep. by the Repealing Act, 1938

(1 of 1938), s. 2 and schedule.

### SECTION 3: Interpretation—Clause

In this Act the following words and expressions are used in the following senses, unless a contrary intention appears from the context:

**“Court”:** “Court” includes all Judges and Magistrates and all persons, except arbitrators, legally authorized to take evidence.

**“Fact”:** “Fact” means and includes:

1. Anything, state of things, or relation of things, capable of being perceived by the senses;

**“Relevant”:** One fact is said to be relevant to another when the one is connected with the other in any of the ways referred to in the provisions of this Act relating to the relevancy of facts.

**“Facts in issue”:** The expression “facts in issue” means and includes — any fact from which, either by itself or in connection with other facts, the existence, non-existence, nature or extent of any right, liability, or disability, asserted or denied in any suit or proceeding, necessarily follows:

**Explanation:** Whenever, under the provisions of the law for the time being in force relating to Civil Procedure, any Court records an issue of fact, the fact to be asserted or denied in the answer to such issue is a fact in issue.

**“Document”:** “Document” means any matter expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter.

**“Evidence”:** “Evidence” means and includes:

1. All statements which the Court permits or requires to be made before it by witnesses, in relation to matters of fact under inquiry; such statements are called oral evidence;
2. All documents including electronic records produced for the inspection of the Court; such documents are called documentary evidence.

**“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.

**“Disproved”:** A fact is said to be disproved 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.

**“Not proved”:** A fact is said not to be proved when it is neither proved nor disproved.

**“India”:** “India” means the territory of India including the State of Jammu and Kashmir.

**SECTION 4: "May Presume"**

Whenever it is provided by this Act 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.

**"Shall presume":** Whenever it is directed by this Act that the Court shall presume a fact, it shall regard such fact as proved, unless and until it is disproved.

**"Conclusive proof":** When one fact is declared by this Act 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.