

The Indian Evidence Act, 1872 — Rules on Admissibility & Burden of Proof

Evidence Rules · Admissibility of Evidence

1. Relevancy and Admissibility

The Indian Evidence Act, 1872 governs what facts may be proved in a court of law in India. 'Relevancy' (Sections 5–55) determines which facts the court may consider, while 'admissibility' concerns whether relevant evidence is legally permitted to be brought before the court.

2. Burden of Proof (Sections 101–114)

- **Section 101** — whoever desires a court to give judgment on a legal right or liability must prove the facts asserted.
- **Section 102** — the burden of proof lies on the party who would fail if no evidence were given on either side.
- **Section 106** — when a fact is especially within the knowledge of a person, the burden of proving it lies on that person.
- **Section 114** — the court may presume the existence of certain facts, having regard to the common course of natural events, human conduct and public/private business.

3. Kinds of Evidence

- **Oral evidence** (Sections 59–60) — must be direct; hearsay is generally excluded.
- **Documentary evidence** (Sections 61–90A) — primary and secondary evidence of the contents of documents.
- **Electronic records** (Section 65B) — conditions for admissibility of computer-generated evidence.

4. Key Case Reference

Anvar P.V. v. P.K. Basheer (2014) — held that a certificate under Section 65B(4) is a mandatory condition precedent for the admissibility of electronic evidence.

5. Exam-Focused Summary

- Distinguish 'relevancy' from 'admissibility' with an example.
- State the requirements of Section 65B for admitting electronic evidence.
- Explain the presumption under Section 114 with one illustration.

