



# Bharatiya Sakshya Adhiniyam, 2023

## repeals Indian Evidence Act, 1872

### Summarizing Significant Changes in the IEA alongside corresponding BSA provisions

● **Blue** indicates the changes

● **Green** indicates new addition

● **Red** indicates deletion

Title	Indian Evidence Act, 1872	Bharatiya Sakshya Adhiniyam, 2023
<b>Definition</b>	<b>Section 3</b> 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	<b>Section 2(e)</b> 1. ...including statements given electronically... 2. ...or digital records produced for the inspection of the Court and such documents are called documentary evidence.
<b>Consideration of proved confession affecting person making it and others jointly under trial for same offence</b>	<b>Section 30</b> 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. - "Offence", as used in this section, includes the abetment of, or attempt to commit the offence.	<b>Section 24</b> <b>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.</b>



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Title	Indian Evidence Act, 1872	Bharatiya Sakshya Adhinyam, 2023
Opinion of experts	<p><b>Section 45</b> When the Court has to form an opinion upon a point of foreign law or of science, or art, or as to identity of handwriting or finger impressions, the opinions upon that point of persons especially skilled in such foreign law, science or art, or in questions as to identity of handwriting or finger impressions are relevant facts.</p>	<p><b>Section 39</b> ... art, <b>or any other field...</b></p>
Primary evidence	<p><b>Section 62</b> 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: 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 2 —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.</p>	<p><b>Section 57</b> <b>Explanation 2</b> - Where a document is executed... <b>Explanation 3</b> - Where a number of documents are... <b>Explanation 4</b> -Where an <b>electronic or digital record is created or stored, and such storage occurs simultaneously or sequentially in multiple files, each such file is primary evidence.</b> <b>Explanation 5</b> -Where an <b>electronic or digital record is produced from proper custody, such electronic and digital record is primary evidence unless it is disputed.</b></p>



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Title	Indian Evidence Act, 1872	Bharatiya Sakshya Adhinyam, 2023
		<p><b>Explanation 6</b> -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.</p> <p><b>Explanation 7</b> -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.</p>
<p><b>Secondary Evidence</b></p>	<p><b>Section 63</b> Secondary evidence means and includes — (1) certified copies given under the provisions hereinafter contained; (2) copies made from the original by mechanical processes which in themselves insure the accuracy of the copy, and copies compared with such copies; (3) copies made from or compared with the original; (4) counterparts of documents as against the parties who did not execute them; (5) oral accounts of the contents of a document given by some person who has himself seen it.</p>	<p><b>Section 58</b> (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.</p>



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Title	Indian Evidence Act, 1872	Bharatiya Sakshya Adhiniyam, 2023
<p><b>Presumption as to Gazettes, newspapers, private Acts of Parliament and other documents</b></p>	<p><b>Section 81</b> The Court shall presume the genuineness of every document purporting to be <b>the London Gazette or any Official Gazette, or the Government Gazette of any colony, dependency of possession of the British Crown, or to be a newspaper or journal, or to be a copy of a private Act of Parliament of the United Kingdom printed by the Queen's Printer and of every document</b> purporting to be a document directed by any law to be kept by any person, if such document is kept substantially in the form required by law and is produced from proper custody.</p>	<p><b>Section 80</b> The Court shall presume the genuineness of <b>every document purporting to be the Official Gazette, or to be a newspaper or journal</b>, and of every document purporting to be a document directed by any law to be kept by any person, if such document is kept substantially in the form required by law and is produced from proper custody.</p> <p><b>Explanation - For the purposes of this Section and Section 92, document is said to be in proper custody if it is 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 if the circumstances of the particular case are such as to render that origin probable.</b></p>