

**CORRESPONDENCE TABLE and COMPARISON SUMMARY OF THE
BHARATIYA SAKSHYA ADHINIYAM, 2023, (BSA) and THE INDIAN
EVIDENCE ACT, 1872, (IEA)**

BSA Section	IEA Section	Subject	Summary of comparison
1	1	Short title, application and commencement.	Indian Evidence Act, 1872 (IEA) provided that it extended to the whole of India, whereas Bharatiya Sakshya Adhiniyam, 2023 (BSA) excludes this provision of territorial extent.
2	IEA 3 Interpretation clause	Definitions.	Interpretation clauses, which include words and expressions and are interpreted in paragraphs in the IEA, are now defined under Section 2(1): Definitions, where each word and expression is given individual alphabetical clauses. BSA excludes the interpretation of "India" previously given in Section 3 of the IEA.
2(1)(a)	3, para 1	"Court".	No change.
2(1)(b)	4, para 3	"conclusive proof".	"Act" is replaced with "Adhiniyam". Wherever the word "Act" is used in IEA the word "Adhiniyam" is used in BSA, therefore, this fact will not be specifically mentioned in this table hereinafter. Word "means" is added.
2(1) (c)	3, para 8	"disproved".	Words "A fact is said to be disproved" are replaced by "in relation to a fact, means".
2(1)(d)	3, para 5	"document".	The words "or otherwise recorded" and "or any other means", "and includes electronic and digital records" are added.
2(1)(e)	3, para 6	"evidence".	"Words" "including statements given electronically" in (e) (i) and "or digital" in (e) (ii) are added.
2(1)(f)	3, para 2	"fact".	Word "man" is replaced by "person" in illustrations and illustration (e)-"That a man has a certain reputation, is a fact" is now excluded in BSA.
2(1)(g)	3, para 4	"facts in issue".	No change.
2(1)(h)	4, para 1	"may presume".	No change.
2(1)(i)	3, para 9	"not proved".	No change.
2(1)(j)	3, para 7	"proved".	No change.
2(1)(k)	3, para 3	"relevant".	No change.
2(1)(l)	4, para 2	"shall presume".	No change.
2(2)	New	Words and expressions.	Newly added. "Words and expressions used herein and not defined but defined in the Information Technology Act, 2000 (21 of 2000), the Bharatiya Nagarik Suraksha Sanhita, 2023, and the Bharatiya Nyaya Sanhita, 2023, shall have the same meanings as assigned to them in the said Act and Sanhitas."

3	5	Evidence maybe given of facts in issue and relevant facts.	No change.
4	6	Relevancy of facts forming part of same transaction.	No change.
5	7	Facts which are occasion, cause or effect of facts in issue or relevant facts.	Words "or relevant facts" added in heading.
6	8	Motive, preparation and previous or subsequent conduct.	In explanation. And in illustrations "vakils" is replaced by "advocates" "man" is replaced by "person" and "ravished" is replaced by "raped".
7	9	Facts necessary to explain or introduce fact in issue or relevant facts.	Words "fact in issue or" are added in the heading. "A" is replaced by "he".
8	10	Things said or done by conspirator in reference to common design.	No change except in illustrations, "Government of India" is replaced by "State", and city names are changed from Calcutta to Kolkata, Bombay to Mumbai, and Kabul to Singapore.
9	11	When facts not otherwise relevant become relevant.	No Change except in illustrations cities names are changed from Calcutta to Chennai and Lahore to Laddakh.
10	12	Facts tending to enable Court to determine amount are relevant in suits for damages.	No change except in the heading, where the words "In suits for damages" are placed at the end instead of the beginning.
11	13	Facts relevant when right or custom is in question.	No change.
12	14	Facts showing existence of state of mind, or of body or bodily feeling.	In illustrations, word "coin" is replaced by "currency" and "carriage" is replaced by "cars".
13	15	Facts bearing on question whether act was accidental or intentional.	In illustrations, word "rupee" is replaced by "currency".
14	16	Existence of course of business when relevant.	No change.
15	17	Admission defined.	No change.
16	18	Admission by party to proceeding or his agent.	Headings of paragraphs are excluded and written as subsections and clauses.
17	19	Admissions by persons whose position must be proved as against party to suit.	No change.
18	20	Admissions by persons expressly referred to by party to suit.	No change.
19	21	Proof of admissions against persons making them, and by or on their behalf.	Word "coin" is replaced by "currency".
20	22	When oral admissions as to contents of documents are relevant.	No change.

21	23	Admissions in civil cases when relevant.	Words "barrister, pleader, attorney or vakil" are replaced by "advocate".
22(1)	24	Confession caused by inducement, threat, coercion or promise, when irrelevant in criminal proceeding.	The word "coercion" is added. Section 28 IEA and Section 29 IEA are given as provisos to Section 22 of the BSA. Heading is dropped as sections are included as provisos.
First proviso to section 22	28	Confession made after removal of impression caused by inducement, threat or promise, relevant.	Heading is dropped as section is included as proviso.
Second proviso to section 22	29	Confession otherwise relevant not to become irrelevant because of promise of secrecy, etc.	Heading is dropped as section is included as proviso.
23(1)	25	Confession to police officer.	Words "not to be proved" are excluded from heading.
23(2)	26	Confession by accused while in custody of police not to be proved against him.	Heading is dropped as the section is included as a subsection. Word "whilst" is replaced by "while" and words "such person" are replaced by "him".
Proviso to section 23	27	How much of information received from accused may be proved.	Heading is dropped as the section is included as proviso.
24	30	Consideration of proved confession affecting person making it and others jointly under trial for same offence.	A new explanation II is added, mentioning that "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."
25	31	Admissions not conclusive proof, but may estop.	No change.
26	32	Cases in which statement of relevant fact by person who is dead or cannot be found, etc., is relevant.	Word "namely" is added and headings of subsections are dropped. In illustration word "ravished" is replaced by "raped" and word "banya" is replaced by "business".
27	33	Relevancy of certain evidence for proving, in subsequent proceeding, truth of facts therein stated.	No change except that word "that" is replaced by "and" in proviso.
28	34	Entries in books of account when relevant.	No change except the words "include those maintained in an electronic form" are excluded from the heading.

29	35	Relevancy of entry in public record or an electronic record made in performance of duty.	No change.
30	36	Relevancy of statements in maps, charts and plans.	No change.
31	37	Relevancy of statement as to fact of public nature contained in certain Acts or notifications.	Words "any Act of Parliament 4 (of the United Kingdom) or or in any 5 Central Act, Provincial Act or 6 a State Act or in a Government notification or notification by the Crown Representative appearing in the Official Gazette or in any printed paper purporting to be the London Gazette or the Government Gazette of any Dominion, colony, or possession of his Majesty is a relevant fact." are replaced by "any Central Act or State Act or in a Central Government or State Government notification appearing in the respective Official Gazette or in any printed paper or in electronic or digital form purporting to be such Gazette, is a relevant fact".
32	38	Relevancy of statements as to any law contained in law books including electronic or digital form.	Words "including in electronic or digital form" are added in heading as well as in the main text of the section.
33	39	What evidence to be given when statement forms part of a conversation, document, electronic record, book or series of letters or papers.	No change.
34	40	Previous judgments relevant to bar a second suit or trial.	No change.
35	41	Relevancy of certain judgments in probate, etc., jurisdiction.	The word "Tribunal" is added. Paragraph "Such judgment, order or decree is conclusive proof that" is given as subsection (2) and conditions under this are enumerated as (i), (ii), (iii), and (iv). The word "that" is excluded.
36	42	Relevancy and effect of judgments, orders or decrees, other than those mentioned in section 35 [41 IEA].	No change.
37	43	Judgments, etc., other than those mentioned in sections 34, 35 and 36 [40 to 42 IEA] when relevant.	No change.
38	44	Fraud or collusion in obtaining judgment, or incompetency of Court, may be proved.	No change.
39(1)	45	Opinions of experts.	Words "or any other field" are added. Thus, scope is expanded greatly.

39(2)	45A	Opinion of Examiner of Electronic Evidence.	Heading is dropped as section is added as a subsection.
40	46	Facts bearing upon opinions of experts.	No change.
41(1)	47	Opinion as to handwriting and signature, when relevant.	Words "and signature" are added in heading.
41(2)	47A	Opinion as to electronic signature, when relevant.	Heading is dropped as section is added as a subsection.
42	48	Opinion as to existence of general custom or right, when relevant.	No change.
43	49	Opinion as to usages, tenets, etc., when relevant.	Paragraphs are numbered as clauses (i), (ii) and (iii).
44	50	Opinion on relationship, when relevant.	No change.
45	51	Grounds of opinion, when relevant.	No change.
46	52	In civil cases character to prove conduct imputed, irrelevant.	No change.
47	53	In criminal cases previous good character relevant.	No change.
48	53A	Evidence of character or previous sexual experience not relevant in certain cases.	No change.
49	54	Previous bad character not relevant, except in reply.	No change.
50	55	Character as affecting damages.	No change.
51	56	Fact judicially noticeable need not be proved.	No change.
52	57	Facts of which Court shall take judicial notice.	Paragraphs are numbered as subsections (1) and (2), and facts enumeration as (1) to (13) is replaced by alphabetic clauses (a) to (l), excluding (2), (3), and (5). These exclusions remove colonial vestiges from the text. A new clause (b) is newly added, mentioning "international treaty, agreement or convention with country or countries by India, or decisions made by India at the international associations or other bodies;".
53	58	Facts admitted need not be proved.	No change.
54	59	Proof of facts by oral evidence.	Words "or electronic records" are excluded.
55	60	Oral evidence to be direct.	In heading word "must" is replaced by "to" and paragraph are numbered as clauses (i), (ii), (iii) and (iv). Word "also" is replaced by "further".
56	61	Proof of contents of documents.	No change.
57	62	Primary evidence.	4 new explanations are added.
58	63	Secondary evidence.	Words "means and" are excluded and three new clauses (vi), (vii), and (viii) are added.

59	64	Proof of documents by primary evidence.	No change.
60	65	Cases in which secondary evidence relating to documents may be given.	The word "namely" is added and paragraph of clause (a) are numbered as (i), (ii), and (iii).
61	New	Electronic or digital record.	“Nothing in this Adhiniyam shall apply to deny the admissibility of an electronic or digital record in the evidence on the ground that it is an electronic or digital record and such record shall, subject to section 63, have the same legal effect, validity and enforceability as other document.”
62	65A	Special provisions as to evidence relating to electronic record.	No change.
63	65B	Admissibility of electronic records.	Words "or semiconductor memory" "or any communication device or otherwise stored, recorded, or copied in any electronic form" is added in subsection (1). Words "communication device", "create" are added in subsection (2). In subsection (3), the word "computer" is replaced by "by means of one or more computers or communication devices," and new clauses (a) to (e) are added newly . In subsection (4), the words "that is to say" are replaced by "shall be submitted along with the electronic record at each instance where it is being submitted for admission, namely:". The words "or a communication device referred to in clauses (a) to (e) of sub-section (3)" are added to clause (b) of subsection (4), and in clause (c), the words "person occupying a responsible official position in relation to the operation of the relevant device or the management of the relevant activities" are replaced by "person in charge of the computer or communication device or the management of the relevant activities". The words "and an expert" and "in the certificate specified in the schedule" are added. Clause (b) of subsection (5) of IEA is excluded and now (c) corresponds to (b), where words "communication device" and "or by other electronic means as referred to in clauses (a) to (e) of sub- section (3)". are added.
64	66	Rules as to notice to produce.	"attorney or pleader" is replaced by "advocate or representative".
65	67	Proof of signature and handwriting of person alleged to have signed or written document produced.	No change.
66	67A	Proof as to electronic signature.	No change.

67	68	Proof of execution of document required by law to be attested.	No change.
68	69	Proof where no attesting witness found.	Words "or if the document purports to have been executed in the United Kingdom" are excluded.
69	70	Admission of execution by party to attested document.	No change.
70	71	Proof when attesting witness denies execution.	No change.
71	72	Proof of document not required by law to be attested.	No change.
72	73	Comparison of signature, writing or seal with others admitted or proved.	Paragraph are numbered as Subsections (1), (2) and (3).
73	73A	Proof as to verification of digital signature.	No change.
74(1)	74	Public and private documents.	The words " and private" are added in the heading. The words "any part of" and "or of the commonwealth" are excluded.
74(2)	75	Public and private documents.	The words "or Union territory" and "except the documents referred to in sub-section (1)" are added.
75	76	Certified copies of public documents.	No change.
76	77	Proof of documents by production of certified copies.	No change.
77	78	Proof of other official documents.	The conditions' enumeration as (1) to (6) is changed to (a) to (f). The expressions "or of the Crown Representative", "or, as the case may be, of the Crown Representative;", "Her Majesty] or by the Privy Council, or by any department of Her Majesty's Government" and "London Gazette, or purporting to be printed by the Queen's Printer;" are excluded. The words "Ministries and" "or Union territory Administration", "Parliament or a State" and "President of India or the Governor of a State or the Administrator or Lieutenant Governor of a Union territory, by copies or extracts contained in the Official Gazette;" are added.
78	79	Presumption as to genuineness of certified copies.	The words "or by any officer [in the State of Jammu and Kashmir] who is duly authorised thereto by the Central Government:" are excluded and paragraph are numbered as subsections.
79	80	Presumption as to documents produced as record of evidence, etc.	The word "that" is excluded and paragraph are numbered as clauses (i), (ii) and (iii).

80	81	Presumption as to Gazettes, newspapers, [private Acts of parliament] and other documents.	" the London Gazette or any Official Gazette, or the Government Gazette of any colony, dependency or 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" are replaced by "the Official Gazette". A new explanation is added regarding proper custody.
81	81A	Presumption as to Gazettes in electronic or digital record.	A new explanation is added regarding proper custody of electronic document. Its phraseology is similar to the new explanation added in the preceding section.
82	83	Presumption as to maps or plans made by authority of Government.	No change.
83	84	Presumption as to collections of laws and reports of decisions.	No change.
84	85	Presumption as to powers-of-attorney.	No change.
85	85A	Presumption as to electronic agreements.	The words "or digitals" are added.
86	85B	Presumption as to electronic records and electronic signatures.	No change.
87	85C	Presumption as to Electronic Signature Certificates.	No change.
88	86	Presumption as to certified copies of foreign judicial records.	"any country not forming part of India or of Her Majesty's Dominions" is replaced by "beyond India".
89	87	Presumption as to books, maps and charts.	No change.
90	88A	Presumption as to electronic messages.	Explanation excluded.
91	89	Presumption as to due execution, etc., of documents not produced.	No change.
92	90	Presumption as to documents thirty years old.	A new explanation same as of section 80 is added. In illustration "is" is replaced by "shall be".
93	90A	Presumption as to electronic records five years old.	A new explanation same as of section 81 is added.
94	91	Evidence of terms of contracts, grants and other dispositions of property reduced to form of document.	No change.
95	92	Exclusion of evidence of oral agreement.	The words "to the last section" are replaced by section number "94" Instead of writing "Proviso 1" "Proviso 2" etc. "Provided that", "Provided further that" etc. are used while writing proviso in this

			section. In illustrations, "Calcutta" and "London" are replaced by "Kolkata" and "Visakhapatnam", "2023" is used in place of "1978" and "thirty thousand" and "ten thousand" in place of "500" and "200" to make it contemporary.
96	93	Exclusion of evidence to explain or amend ambiguous document.	In illustrations, "Rs. 1000" and "Rs. 1500" are replaced by "one lakh rupees" "one lakh fifty thousand rupees" respectively.
97	94	Exclusion of evidence against application of document to existing facts.	No change.
98	95	Evidence as to document unmeaning in reference to existing facts.	In illustrations, "Calcutta" is replaced by "Kolkata".
99	96	Evidence as to application of language which can apply to one only of several persons.	In illustrations, "Haidarabad", "Haidarabad in Dekkan" and "Haidarabad in sindh" are replaced by "Ramgarh", "Ramgarh in Rajasthan" and "Ramgarh in Uttarakhand" respectively.
100	97	Evidence as to application of language to one of two sets of facts, to neither of which the whole correctly applies.	No change.
101	98	Evidence as to meaning of illegible characters, etc.	The word "provincial" is replaced by "regional".
102	99	Who may give evidence of agreement varying terms of document.	No change.
103	100	Saving of provisions of Indian Succession Act relating to wills.	The words "the Indian Succession Act, (10 of 1865)" are replaced by "the Indian Succession Act, 1925 (39 of 1925)".
104	101	Burden of proof.	No change.
105	102	On whom burden of proof lies.	No change.
106	103	Burden of proof as to particular fact.	No change.
107	104	Burden of proving fact to be proved to make evidence admissible.	No change.
108	105	Burden of proving that case of accused comes within exceptions.	The words "the Indian Penal Code (45 of 1860)" are replaced by "the Bharatiya Nyaya Sanhita, 2023".
109	106	Burden of proving fact especially within knowledge.	No change.
110	107	Burden of proving death of person known to have been alive within thirty years.	No change.

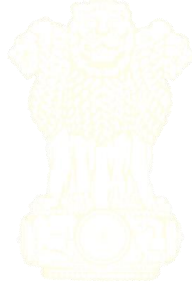
111	108	Burden of proving that person is alive who has not been heard of for seven years.	The words "Provided that" are excluded.
112	109	Burden of proof as to relationship in the cases of partners, landlord and tenant, principal and agent.	No change.
113	110	Burden of proof as to ownership.	No change.
114	111	Proof of good faith in transactions where one party is in relation of active confidence.	The word "attorney" is replaced by "advocate".
115	111A	Presumption as to certain offences.	IPC sections are replaced by corresponding BNS sections.
116	112	Birth during marriage, conclusive proof of legitimacy.	"son" is replaced by "child" thus made gender neutral.
117	113A	Presumption as to abetment of suicide by a married woman.	The words "section 498A of the Indian Penal Code (45 of 1860)" are replaced by "section 86 of the Bharatiya Nyaya Sanhita, 2023" in the explanation.
118	113B	Presumption as to dowry death.	The words "section 304B of the Indian Penal Code (45 of 1860)" are replaced by "section 80 of the Bharatiya Nyaya Sanhita, 2023" in explanation.
119	114	Court may presume existence of certain facts.	Paragraph are numbered as subsections (1) and (2), and illustrations to subsection (2) are numbered from (i) to (x).
120	114A	Presumption as to absence of consent in certain prosecution for rape.	IPC sections are replaced by corresponding BNS sections.
121	115	Estoppel.	No change.
122	116	Estoppel of tenant and of licensee of person in possession.	The words "or any time thereafter" are added.
123	117	Estoppel of acceptor of bill of exchange, bailee or licensee.	No change.
124	118	Who may testify.	The word "Lunatic" is replaced by "A person of unsound mind".
125	119	Witness unable to communicate verbally.	No change.
126	120	Competency of husband and wife as witnesses in certain cases.	Heading "Parties to civil suit, and their wives or husbands. Husband or wife of a person under criminal trial" is replaced by "Competency of husband and wife as witnesses in certain cases". Paragraphs are numbered as subsections (1) and (2),
127	121	Judges and Magistrates.	No change.
128	122	Communications during marriage.	No change.
129	123	Evidence as to affairs of State.	No change.
130	124	Official communications.	No change.
131	125	Information as to commission of offences.	No change.

132(1) &(2)	126	Professional communications.	The words "barrister, attorney, pleader or vakil" are replaced by "advocate". Word "employment" is replaced by "service". In sub-section (2) words "referred to in the proviso to sub-section (1)" are added.
132(3)	127	Professional communications to apply interpreters, etc".	Section 127 of IEA is added as subsection (3) in which the words "or servants of barristers, pleaders, attorneys and vakils" are replaced by "or employees of advocates".
133	128	Privilege not waived by volunteering evidence.	Words "barrister, attorney, pleader or vakil" are replaced by "advocate".
134	129	Confidential communication with legal advisers.	Words "legal professional adviser" are replaced by "legal adviser".
135	130	Production of title-deeds of witness not a party.	No change.
136	131	Production of documents or electronic records which another person, having possession, could refuse to produce.	No change.
137	132	Witness not excused from answering on ground that answer will criminate.	Word "Proviso" is excluded.
138	133	Accomplice.	Words "merely because" are replaced by "if".
139	134	Number of witnesses.	No change.
140	135	Order of production and examination of witnesses.	No change.
141	136	Judge to decide as to admissibility of evidence.	Paragraph are numbered as subsections (1), (2) and (3).
142	137	Examination of witnesses.	Paragraphs are numbered as subsections (1), (2) and (3), and headings of paragraph are excluded.
143	138	Order of examinations.	Paragraph are numbered as subsections (1), (2) and (3), and word "in-chief" included. The words in paragraph heading "Direction of re-examination" are excluded.
144	139	Cross- examination of person called to produce a document.	No change.
145	140	Witnesses to character.	No change.
146(1)	141	Leading questions.	Section 141 IEA is included as subsection (1) of 146 BSA.
146(2) &(3)	142	When they (leading) must not be asked.	Section 142 IEA is included as subsection (2) and (3) of 146 BSA.
146(4)	143	When they (leading) may be asked.	Section 143 IEA is included as subsection (4) of 146 BSA.
147	144	Evidence as to matters in writing.	No change.
148	145	Cross- examination as to previous statements in writing.	No change.

149	146	Questions lawful in cross-examination.	Numbers (1), (2) and (3) are replaced by (a), (b) and (c). IPC sections are replaced by corresponding BNS sections.
150	147	When witness to be compelled to answer.	No change.
151	148	Court to decide when question shall be asked and when witness compelled to answer.	Word "namely" is added in its subsection (2).
152	149	Question not to be asked without reasonable grounds.	In illustrations, the words "barrister", "an attorney or vakil", "dakait" and "A pleader" are replaced by words "advocate", "another advocate", "dacoit" and "a advocate" respectively.
153	150	Procedure of Court in case of question being asked without reasonable grounds.	Word "barrister, attorney, pleader or vakil" are replaced by "advocate".
154	151	Indecent and scandalous questions.	No change.
155	152	Questions intended to insult or annoy.	No change.
156	153	Exclusion of evidence to contradict answers to questions testing veracity.	"Lahore" and Calcutta" are replaced by "Goa" and "Varanasi" respectively.
157	154	Question by party to his own witness.	No change.
158	155	Impeaching credit of witness.	Numbers (1), (2) and (3) are replaced by (a), (b) and (c). Word "indicted" is replaced by "accused".
159	156	Questions tending to corroborate evidence of relevant fact, admissible.	No change.
160	157	Former statements of witness may be proved to corroborate later testimony as to same fact.	No change.
161	158	What matters may be proved in connection with proved statement relevant under section 26 or 27. [section 32 or 33].	No change.
162	159	Refreshing memory.	Paragraphs are numbered as subsections (1) and (2). Sub-heading words "When witness may use copy of document to refresh memory" are excluded from subsection (2). Words "Provided that" and "Provided further that" are added in provisos.
163	160	Testimony to facts stated in document mentioned in section 162[159].	No change.
164	161	Right of adverse party as to writing used to refresh memory.	Word "must" is replaced by "shall".

165	162	Production of documents.	Paragraphs are numbered as subsections (1), (2) and (3). "Provided that" is added in proviso. New proviso is added to the subsection (3).
166	163	Giving, as evidence, of document called for and produced on notice.	No change.
167	164	Using, as evidence, of document production of which was refused on notice.	No change.
168	165	Judge's power to put questions or order production.	Words "proper", "please" and "relevant or irrelevant" are excluded. Word "agents" is replaced by "representatives".
169	167	No new trial for improper admission or rejection of evidence.	No change.
170	New	Repeal and savings.	Newly added.





सत्यमेव जयते

