



FACULTY OF JURIDICAL SCIENCES

NAME OF FACULTY: Dr. Ravi Kant Gupta

COURSE: B.B.A.LL.B. VI Semester

SUBJECT: Law of Evidence

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Lecture-28



Facts need not be proved [sections 56-58]

As we were discussing in our classes in every case whether criminal or civil, the facts in issue and relevant facts to the facts to the fact in issue are to be proved by the parties who contend them to true and exist. The question is do all the facts need to be proved or is there any exception to this.

Sections 56, 57 and 58 deals with facts which need not be proved by the facts. They are as under:

Section 56: Facts judicially noticeable need not be proved

Section 57: Facts of which the court must take judicial notice

Section 58: Facts admitted need not be proved

Let's see one by one of these provisions

Section 56: Facts judicially noticeable need not be proved: No fact of which the court will take judicial notice need be proved

This section spares the parties from proving the facts which the court takes the judicial notice of it by itself. It means the court which is bound to take the judicial notice of a particular fact, such fact need not be proved by the court. For example, the court is bound to know the law of land. The effect of this section is the recognition of something as existing or being true without proof of it. This section is based upon reasons of convenience or expediency. It lays down the facts which are within the common knowledge of everyone requires no proof.

In **Managing Committee of Raja Sidheshwar High School v. State of Bihar** the Supreme Court

held that the court can take judicial notice of the fact that the system of education in the State has virtually crumbled and serious allegations are made frequently about the manner in which the system is being worked.

Section 57: Facts of which the Court must take Judicial Notice: The court shall take judicial

notice of the following facts:

(1) All laws in force in the territory of India

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Section 57: Facts of which the Court must take Judicial Notice: The court shall take judicial

notice of the following facts:

(1) All laws in force in the territory of India

(2) All public Acts passed or hereafter to be passed by Parliament of the United Kingdom, and all local and personal Acts directed by Parliament of the United Kingdom to be judicially noticed;

(3) Articles of War for the Indian Army Navy or Air Force

(4) The course of proceeding of Parliament of the United Kingdom, of the Constituent Assembly of India, of Parliament and of the legislatures established under any laws for the time being in force in a Province or in the States;

(5) The accession and the sign manual of the Sovereign for the time being of the United Kingdom of Great Britain and Ireland ;

(6) All seals of which English Courts take judicial notice: the seals of all the Courts in India and of

all Courts out of India established by the authority of the Central Government or the Crown Representative, the seals of Courts of Admiralty and Maritime Jurisdiction and of Notaries Public, and all seals which any person is authorized to use by the Constitution or an Act of Parliament of the United Kingdom or an Act or Regulation having the force of law in India

(7) The accession to office, names, titles, functions and signatures of the persons filling for the time being any public office in any State, if the fact of their appointment to such office is notified in any Official Gazette

- (8) The existence, title and national flag of every State or Sovereign recognized by the Government of India;
- (9) The divisions of time, the geographical divisions of the world, and public festivals, fasts and holidays notified in the Official Gazette;
- (10) The territories under the dominion of the Government of India;
- (11) The commencement, continuance, and termination of hostilities between the Government of India and any other State or body of persons;
- (12) The names of the members and officers of the Court and of their deputies and subordinate officers and assistants, and also of all officers acting in execution of its process, and of all advocates, attorneys, proctors, vakils, pleaders and other persons authorized by law to appear or act before it;
- (13) The rule of the road on land or at sea

In all these cases, and also on all matters of public history, literature, science or art, the Court may resort for its aid to appropriate books or documents of reference.

If the Court is called upon by any person to take judicial notice of any fact, it may refuse to do so unless and until such person produces any such book or document as it may consider necessary to enable to so

Section 58: Facts admitted need not be proved

No fact need to be proved in any proceedings which the parties thereto or their agents agree to admit at the hearing, or which, before the hearing, they agree to admit by any writing under their hands, or which by any rule of pleading in force at the time they are deemed to have admitted by their pleadings.”

Provided that court may in its discretion require the facts admitted to be proved otherwise than such admissions

This section lays down that facts which have been admitted by the parties need not be proved..
Averments made in a petition which have not been contended by the respondent carry the effect of a fact admitted.

In **Thimmappa Rai v. Ramanna Rai**, it was held, an admission made by a party to a suit in an earlier proceeding is admissible against him in a subsequent suit also.

The court gives its judgment, on the basis of the contentions argues before it that is to say, according to the issues between the parties. Facts which have been admitted on both sides are

not an issue and, therefore, no proof needs to be offered of them.

However, with respect to the admissions, the court may in its discretion require proof of it as the effect of admissions are conclusive but only acts as estoppel