TABLE OF CONTENTS

		Page
	BOOK 1	1 ago
m.u. 60		ν
Table of Contents		XVII
Table of Abbrevia		XXVII
Table of Cases -		CXVIII
	United Kingdom	CCCXXXVII
	India Other Insiedictions	CDL
-	Other Jurisdictions	CDL
PART III :	PROOF	
	Introduction	3
CHAPTER 14:	ORAL EVIDENCE	4
	Two Rules laid down regarding Oral Evidence	4
	Sections 59 and 60	4
	Consideration of the First Rule - Section 59	5
14A3:	Consideration of the Second Rule - Section 60	6
14A4:	Principle underlying the two Rules	7
14A5 :	Excluded facts can be used for limited purposes	8
	Effect of Section 60	8
	Present Position in English Law	9
	Information to Police Officers	9
14A9 :	The First Proviso to Section 60	9
	REAL EVIDENCE	12
	Section 60, Second Proviso - Real Evidence	13
	The Proviso and The Ordinance	13
	History of the Subject of Real Evidence	13
Section B:	Definition and Scope of Real Evidence	14
	Definition	14
	Scope of Real Evidence	15
	Value of Real Evidence	15
15C1 :		15
	Classification of Real Evidence	16
78.E-07-00 500 00	Classification	16
	Material Objects	18
	Condition of Material Object among Facts in Issue	18 19
	Production of Real Evidence	19
15E3:	Is there compulsion to produce the Material Object?	19
	Consequences of non-production	19
15E4:	Real Evidence as a means of establishing facts in issue	22
	and relevant facts - How introduced.	22
15E5:	Examples of Material Objects	
Section F:	Reasons why Real Evidence may mislead and criminate false	23 23
	Reasons for possible false incrimination	25
	View or Inspection also constitutes Real Evidence	25
167	VIOUR OF INCRECTION SIGN CHINGHHES INCALLYINGE	23

15G2: Is a view of the reconstructed event also Real Evidence? 15G3: Inspection in Civil Cases 15G4: View or Inspection in Criminal Cases 15G5: Limitations on Powers of Inspection in Magistrates' Courts 15G6: Limitations on Powers of Inspection in Jury Trials Section H: Automatic Recordings 15H1: General Rules regarding Use and Admissibility of Automatic Recordings 15H2: Examples of Automatic Recordings 15H3: Photographic and Videotape Evidence See Appendix B Section I: Other examples of Real Evidence 15H1: Compulsory Blood Tests 15H2: Breathalyser Tests 15H3: Photofit Pictures CHAPTER 16: COMPUTER EVIDENCE Section A: Preliminary Observations 16A1: Organisation of a Computer 16A2: Types of Errors Section B: Importance of recognising the role of Computers in the Adjudicatory Process and making the output of Computer Technologies admissible in the Courts 16B1: Importance stressed in various quarters 16B2: The subject has assumed growing importance Section C: Computer Evidence in English Law 16C1: Early Refusal to Recognise Computer Evidence 16C2: Criminal Law Revision Committee - 11th Report 16C3: Criticism of R. vs. Pettigrew 16C4: Later Developments in English Law 16C5: The English Civil Evidence Acts, 1968 and 1972 16C6: Criminal Cases in English Law Section D: The Problem of Hearsay 16D1: The Hearsay Rule applies in Sri Lanka 16D2: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G2: The Legal Questions that arise			
15G4: View or Inspection in Criminal Cases 15G5: Limitations on Powers of Inspection in Magistrates' Courts 15G6: Limitations on Powers of Inspection in Jury Trials Section H: Automatic Recordings 15H1: General Rules regarding Use and Admissibility of Automatic Recordings 15H2: Examples of Automatic Recordings 15H3: Photographic and Videotape Evidence See Appendix B Section I: Other examples of Real Evidence 15H1: Compulsory Blood Tests 15H2: Breathalyser Tests 15H3: Photofit Pictures CHAPTER 16: COMPUTER EVIDENCE Section A: Preliminary Observations 16A1: Organisation of a Computer 16A2: Types of Errors Section B: Importance of recognising the role of Computers in the Adjudicatory Process and making the output of Computer Technologies admissible in the Courts 16B1: Importance stressed in various quarters 16B2: The subject has assumed growing importance Section C: Computer Evidence in English Law 16C1: Early Refusal to Recognise Computer Evidence 16C2: Criminal Law Revision Committee - 11th Report 16C3: Criticism of R. vs. Pettigrev 16C4: Later Developments in English Law 16C5: The English Civil Evidence Acts, 1968 and 1972 16C6: Criminal Cases in English Law Section D: The Problem of Hearsay 16D1: The Hearsay Rule applies in Sri Lanka 16D2: The Basic Problem underlying the Admissibility of Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The Problem of Classification 16E1: Classification in the Evidence ordinance 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes	15G2:	Is a view of the reconstructed event also Real Evidence?	26
15G5: Limitations on Powers of Inspection in Magistrates' Courts 15G6: Limitations on Powers of Inspection in Jury Trials Section H: Automatic Recordings 15H1: General Rules regarding Use and Admissibility of Automatic Recordings 15H2: Examples of Automatic Recordings 15H3: Photographic and Videotape Evidence See Appendix B Section I: Other examples of Real Evidence 15H1: Compulsory Blood Tests 15H2: Breathalyser Tests 15H3: Photofit Pictures CHAPTER 16: COMPUTER EVIDENCE Section A: Preliminary Observations 16A1: Organisation of a Computer 16A2: Types of Errors Section B: Importance of recognising the role of Computers in the Adjudicatory Process and making the output of Computer Technologies admissible in the Courts 16B1: Importance stressed in various quarters 16B2: The subject has assumed growing importance Section C: Computer Evidence in English Law 16C1: Early Refusal to Recognise Computer Evidence 16C2: Criminal Law Revision Committee - 11th Report 16C3: Criticism of R. vs. Pettigrew 16C4: Later Developments in English Law 16C5: The English Civil Evidence Acts, 1968 and 1972 16C6: Criminal Cases in English Law Section D: The Problem of Hearsay 16D1: The Hearsay Rule applies in Sri Lanka 16D2: The Basic Problem underlying the Admissibility of Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem of Iclassification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The problem of Classification 16E1: Classification in the Evidence Ordinance 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes	15G3:	Inspection in Civil Cases	26
15G6: Limitations on Powers of Inspection in Jury Trials Section H: Automatic Recordings 15H1: General Rules regarding Use and Admissibility of Automatic Recordings 15H2: Examples of Automatic Recordings 15H3: Photographic and Videotape Evidence See Appendix B Section I: Other examples of Real Evidence 15I1: Compulsory Blood Tests 15I2: Breathalyser Tests 15I3: Photofit Pictures CHAPTER 16: COMPUTER EVIDENCE Section A: Preliminary Observations 16A1: Organisation of a Computer 16A2: Types of Errors Section B: Importance of recognising the role of Computers in the Adjudicatory Process and making the output of Computer Technologies admissible in the Courts 16B1: Importance stressed in various quarters 16B2: The subject has assumed growing importance Section C: Computer Evidence in English Law 16C1: Early Refusal to Recognise Computer Evidence 16C2: Criminal Law Revision Committee - 11th Report 16C3: Criticism of R. vs. Pettigrew 16C4: Later Developments in English Law 16C5: The English Civil Evidence Acts, 1968 and 1972 16C6: Criminal Cases in English Law Section D: The Problem of Hearsay 16D1: The Hearsay Rule applies in Sri Lanka 16D2: The Basic Problem underlying the Admissibility of Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem is involved with the Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes	15G4 :	View or Inspection in Criminal Cases	27
Section H : Automatic Recordings 15H1 : General Rules regarding Use and Admissibility of Automatic Recordings 15H2 : Examples of Automatic Recordings 15H3 : Photographic and Videotape Evidence See Appendix B Section I : Other examples of Real Evidence 15H1 : Compulsory Blood Tests 15I2 : Breathalyser Tests 15I3 : Photofit Pictures CHAPTER 16 : COMPUTER EVIDENCE Section A : Preliminary Observations 16A1 : Organisation of a Computer 16A2 : Types of Errors Section B : Importance of recognising the role of Computers in the Adjudicatory Process and making the output of Computer Technologies admissible in the Courts 16B1 : Importance stressed in various quarters 16B2 : The subject has assumed growing importance Section C : Computer Evidence in English Law 16C1 : Early Refusal to Recognise Computer Evidence 16C2 : Criminal Law Revision Committee - 11th Report 16C3 : Criticism of R. vs. Pettigrew 16C4 : Later Developments in English Law 16C5 : The English Civil Evidence Acts, 1968 and 1972 16C6 : Criminal Cases in English Law Section D : The Problem of Hearsay 16D1 : The Hearsay Rule applies in Sri Lanka 16D2 : The Basic Problem underlying the Admissibility of Computer Evidence 16D3 : The English Authorities 16D4 : Difficulty to apply Hearsay Rule 16D5 : The Problem is involved with the Problem of Classification 16E1 : Classification in the Evidence Ordinance 16E2 : When Computer Evidence is Real Evidence 16E3 : Best Evidence Rule and Hearsay Rule will not apply Section F : The Problem of Classification 16E1 : Classification in the Evidence ordinance 16E2 : When Computer Evidence is Real Evidence 16E3 : Best Evidence Rule and Hearsay Rule will not apply Section F : The principal categories of Computer Output 16F1 : Business Records 16F2 : Computer-Generated Records and Computer Software 16F3 : Expert Evidence 16F3 : Computer Crimes	15G5:	Limitations on Powers of Inspection in Magistrates' Courts	28
15H1: General Rules regarding Use and Admissibility of Automatic Recordings 15H2: Examples of Automatic Recordings 15H3: Photographic and Videotape Evidence See Appendix B Section I: Other examples of Real Evidence 15I1: Compulsory Blood Tests 15I2: Breathalyser Tests 15I3: Photofit Pictures CHAPTER 16: COMPUTER EVIDENCE Section A: Preliminary Observations 16A1: Organisation of a Computer 16A2: Types of Errors Section B: Importance of recognising the role of Computers in the Adjudicatory Process and making the output of Computer Technologies admissible in the Courts 16B1: Importance stressed in various quarters 16B2: The subject has assumed growing importance Section C: Computer Evidence in English Law 16C1: Early Refusal to Recognise Computer Evidence 16C2: Criminal Law Revision Committee - 11th Report 16C3: Criticism of R. vs. Petigreen 16C4: Later Developments in English Law 16C5: The English Civil Evidence Acts, 1968 and 1972 16C6: Criminal Cases in English Law 16C1: The Hearsay Rule applies in Sri Lanka 16D2: The Basic Problem underlying the Admissibility of Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem is involved with the Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes?	15G6 :	Limitations on Powers of Inspection in Jury Trials	29
of Automatic Recordings 15H2: Examples of Automatic Recordings 15H3: Photographic and Videotape Evidence See Appendix B Section I: Other examples of Real Evidence 15I1: Compulsory Blood Tests 15I2: Breathalyser Tests 15I3: Photofit Pictures CHAPTER 16: COMPUTER EVIDENCE Section A: Preliminary Observations 16A1: Organisation of a Computer 16A2: Types of Errors Section B: Importance of recognising the role of Computers in the Adjudicatory Process and making the output of Computer Technologies admissible in the Courts 16B1: Importance stressed in various quarters 16B2: The subject has assumed growing importance Section C: Computer Evidence in English Law 16C1: Early Refusal to Recognise Computer Evidence 16C2: Criminal Law Revision Committee - 11th Report 16C3: Criticism of R. vs. Pettigrew 16C4: Later Developments in English Law 16C5: The English Civil Evidence Acts, 1968 and 1972 16C6: Criminal Cases in English Law Section D: The Problem of Hearsay 16D1: The Hearsay Rule applies in Sri Lanka 16D2: The Basic Problem underlying the Admissibility of Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem is involved with the Problem of Classification Section E: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes?	Section H:	Automatic Recordings	33
15H2: Examples of Automatic Recordings 15H3: Photographic and Videotape Evidence See Appendix B Section I: Other examples of Real Evidence 15I1: Compulsory Blood Tests 15I2: Breathalyser Tests 15I3: Photofit Pictures CHAPTER 16: COMPUTER EVIDENCE Section A: Preliminary Observations 16A1: Organisation of a Computer 16A2: Types of Errors Section B: Importance of recognising the role of Computers in the Adjudicatory Process and making the output of Computer Technologies admissible in the Courts 16B1: Importance stressed in various quarters 16B2: The subject has assumed growing importance Section C: Computer Evidence in English Law 16C1: Early Refusal to Recognise Computer Evidence 16C2: Criminal Law Revision Committee - 11th Report 16C3: Criticism of R. vs. Pettigrew 16C4: Later Developments in English Law 16C5: The English Civil Evidence Acts, 1968 and 1972 16C6: Criminal Cases in English Law Section D: The Problem of Hearsay 16D1: The Hearsay Rule applies in Sri Lanka 16D2: The Basic Problem underlying the Admissibility of Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem is involved with the Problem of Classification Section E: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes?	15H1 :	General Rules regarding Use and Admissibility	
15H3: Photographic and Videotape Evidence See Appendix B Section I: Other examples of Real Evidence 15I1: Compulsory Blood Tests 15I2: Breathalyser Tests 15I3: Photofit Pictures CHAPTER 16: COMPUTER EVIDENCE Section A: Preliminary Observations 16A1: Organisation of a Computer 16A2: Types of Errors Section B: Importance of recognising the role of Computers in the Adjudicatory Process and making the output of Computer Technologies admissible in the Courts 16B1: Importance stressed in various quarters 16B2: The subject has assumed growing importance Section C: Computer Evidence in English Law 16C1: Early Refusal to Recognise Computer Evidence 16C2: Criminal Law Revision Committee - 11th Report 16C3: Criticism of R. vs. Pettigrew 16C4: Later Developments in English Law 16C5: The English Civil Evidence Acts, 1968 and 1972 16C6: Criminal Cases in English Law Section D: The Problem of Hearsay 16D1: The Hearsay Rule applies in Sri Lanka 16D2: The Basic Problem underlying the Admissibility of Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem is involved with the Problem of Classification Section E: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes?		of Automatic Recordings	33
Section I: Other examples of Real Evidence 1511: Compulsory Blood Tests 1512: Breathalyser Tests 1513: Photofit Pictures CHAPTER 16: COMPUTER EVIDENCE Section A: Preliminary Observations 16A1: Organisation of a Computer 16A2: Types of Errors Section B: Importance of recognising the role of Computers in the Adjudicatory Process and making the output of Computer Technologies admissible in the Courts 16B1: Importance stressed in various quarters 16B2: The subject has assumed growing importance Section C: Computer Evidence in English Law 16C1: Early Refusal to Recognise Computer Evidence 16C2: Criminal Law Revision Committee - 11th Report 16C3: Criticism of R. vs. Pettigrew 16C4: Later Developments in English Law 16C5: The English Civil Evidence Acts, 1968 and 1972 16C6: Criminal Cases in English Law Section D: The Problem of Hearsay 16D1: The Hearsay Rule applies in Sri Lanka 16D2: The Basic Problem underlying the Admissibility of Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes		TOTAL THE SECOND	34
1511: Compulsory Blood Tests 1512: Breathalyser Tests 1513: Photofit Pictures CHAPTER 16: COMPUTER EVIDENCE Section A: Preliminary Observations 16A1: Organisation of a Computer 16A2: Types of Errors Section B: Importance of recognising the role of Computers in the Adjudicatory Process and making the output of Computer Technologies admissible in the Courts 16B1: Importance stressed in various quarters 16B2: The subject has assumed growing importance Section C: Computer Evidence in English Law 16C1: Early Refusal to Recognise Computer Evidence 16C2: Criminal Law Revision Committee - 11th Report 16C3: Criticism of R. vs. Pettigrew 16C4: Later Developments in English Law 16C5: The English Civil Evidence Acts, 1968 and 1972 16C6: Criminal Cases in English Law Section D: The Problem of Hearsay 16D1: The Hearsay Rule applies in Sri Lanka 16D2: The Basic Problem underlying the Admissibility of Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem is involved with the Problem of Classification Section E: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes?			
1512: Breathalyser Tests 1513: Photofit Pictures CHAPTER 16: COMPUTER EVIDENCE Section A: Preliminary Observations 16A1: Organisation of a Computer 16A2: Types of Errors Section B: Importance of recognising the role of Computers in the Adjudicatory Process and making the output of Computer Technologies admissible in the Courts 16B1: Importance stressed in various quarters 16B2: The subject has assumed growing importance Section C: Computer Evidence in English Law 16C1: Early Refusal to Recognise Computer Evidence 16C2: Criminal Law Revision Committee - 11th Report 16C3: Criticism of R. vs. Pettigrew 16C4: Later Developments in English Law 16C5: The English Civil Evidence Acts, 1968 and 1972 16C6: Criminal Cases in English Law Section D: The Problem of Hearsay 16D1: The Hearsay Rule applies in Sri Lanka 16D2: The Basic Problem underlying the Admissibility of Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem of Classification Section E: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes?			38
CHAPTER 16: COMPUTER EVIDENCE Section A: Preliminary Observations 16A1: Organisation of a Computer 16A2: Types of Errors Section B: Importance of recognising the role of Computers in the Adjudicatory Process and making the output of Computer Technologies admissible in the Courts 16B1: Importance stressed in various quarters 16B2: The subject has assumed growing importance Section C: Computer Evidence in English Law 16C1: Early Refusal to Recognise Computer Evidence 16C2: Criminal Law Revision Committee - 11th Report 16C3: Criticism of R. vs. Pettigrew 16C4: Later Developments in English Law 16C5: The English Civil Evidence Acts, 1968 and 1972 16C6: Criminal Cases in English Law Section D: The Problem of Hearsay 16D1: The Hearsay Rule applies in Sri Lanka 16D2: The Basic Problem underlying the Admissibility of Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes?			38
CHAPTER 16: COMPUTER EVIDENCE Section A: Preliminary Observations 16A1: Organisation of a Computer 16A2: Types of Errors Section B: Importance of recognising the role of Computers in the Adjudicatory Process and making the output of Computer Technologies admissible in the Courts 16B1: Importance stressed in various quarters 16B2: The subject has assumed growing importance Section C: Computer Evidence in English Law 16C1: Early Refusal to Recognise Computer Evidence 16C2: Criminal Law Revision Committee - 11th Report 16C3: Criticism of R. vs. Pettigrew 16C4: Later Developments in English Law 16C5: The English Civil Evidence Acts, 1968 and 1972 16C6: Criminal Cases in English Law Section D: The Problem of Hearsay 16D1: The Hearsay Rule applies in Sri Lanka 16D2: The Basic Problem underlying the Admissibility of Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes			39
Section A: Preliminary Observations 16A1: Organisation of a Computer 16A2: Types of Errors Section B: Importance of recognising the role of Computers in the Adjudicatory Process and making the output of Computer Technologies admissible in the Courts 16B1: Importance stressed in various quarters 16B2: The subject has assumed growing importance Section C: Computer Evidence in English Law 16C1: Early Refusal to Recognise Computer Evidence 16C2: Criminal Law Revision Committee - 11th Report 16C3: Criticism of R. vs. Pettigrew 16C4: Later Developments in English Law 16C5: The English Civil Evidence Acts, 1968 and 1972 16C6: Criminal Cases in English Law Section D: The Problem of Hearsay 16D1: The Hearsay Rule applies in Sri Lanka 16D2: The Basic Problem underlying the Admissibility of Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes	15I3:	Photofit Pictures	39
Section A: Preliminary Observations 16A1: Organisation of a Computer 16A2: Types of Errors Section B: Importance of recognising the role of Computers in the Adjudicatory Process and making the output of Computer Technologies admissible in the Courts 16B1: Importance stressed in various quarters 16B2: The subject has assumed growing importance Section C: Computer Evidence in English Law 16C1: Early Refusal to Recognise Computer Evidence 16C2: Criminal Law Revision Committee - 11th Report 16C3: Criticism of R. vs. Pettigrew 16C4: Later Developments in English Law 16C5: The English Civil Evidence Acts, 1968 and 1972 16C6: Criminal Cases in English Law Section D: The Problem of Hearsay 16D1: The Hearsay Rule applies in Sri Lanka 16D2: The Basic Problem underlying the Admissibility of Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes	CHAPTER 16:	COMPUTER EVIDENCE	40
16A1: Organisation of a Computer 16A2: Types of Errors Section B: Importance of recognising the role of Computers in the Adjudicatory Process and making the output of Computer Technologies admissible in the Courts 16B1: Importance stressed in various quarters 16B2: The subject has assumed growing importance Section C: Computer Evidence in English Law 16C1: Early Refusal to Recognise Computer Evidence 16C2: Criminal Law Revision Committee - 11th Report 16C3: Criticism of R. vs. Pettigrew 16C4: Later Developments in English Law 16C5: The English Civil Evidence Acts, 1968 and 1972 16C6: Criminal Cases in English Law Section D: The Problem of Hearsay 16D1: The Hearsay Rule applies in Sri Lanka 16D2: The Basic Problem underlying the Admissibility of Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem is involved with the Problem of Classification Section E: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes?			41
Section B: Importance of recognising the role of Computers in the Adjudicatory Process and making the output of Computer Technologies admissible in the Courts 16B1: Importance stressed in various quarters 16B2: The subject has assumed growing importance Section C: Computer Evidence in English Law 16C1: Early Refusal to Recognise Computer Evidence 16C2: Criminal Law Revision Committee - 11th Report 16C3: Criticism of R. vs. Pettigrew 16C4: Later Developments in English Law 16C5: The English Civil Evidence Acts, 1968 and 1972 16C6: Criminal Cases in English Law Section D: The Problem of Hearsay 16D1: The Hearsay Rule applies in Sri Lanka 16D2: The Basic Problem underlying the Admissibility of Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem is involved with the Problem of Classification Section E: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes?		•	41
Section B: Importance of recognising the role of Computers in the Adjudicatory Process and making the output of Computer Technologies admissible in the Courts 16B1: Importance stressed in various quarters 16B2: The subject has assumed growing importance Section C: Computer Evidence in English Law 16C1: Early Refusal to Recognise Computer Evidence 16C2: Criminal Law Revision Committee - 11th Report 16C3: Criticism of R. vs. Pettigrew 16C4: Later Developments in English Law 16C5: The English Civil Evidence Acts, 1968 and 1972 16C6: Criminal Cases in English Law Section D: The Problem of Hearsay 16D1: The Hearsay Rule applies in Sri Lanka 16D2: The Basic Problem underlying the Admissibility of Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem is involved with the Problem of Classification Section E: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes?		-	42
Adjudicatory Process and making the output of Computer Technologies admissible in the Courts 16B1: Importance stressed in various quarters 16B2: The subject has assumed growing importance Section C: Computer Evidence in English Law 16C1: Early Refusal to Recognise Computer Evidence 16C2: Criminal Law Revision Committee - 11th Report 16C3: Criticism of R. vs. Pettigrew 16C4: Later Developments in English Law 16C5: The English Civil Evidence Acts, 1968 and 1972 16C6: Criminal Cases in English Law Section D: The Problem of Hearsay 16D1: The Hearsay Rule applies in Sri Lanka 16D2: The Basic Problem underlying the Admissibility of Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem is involved with the Problem of Classification Section E: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes?		The state of the s	
Technologies admissible in the Courts 16B1: Importance stressed in various quarters 16B2: The subject has assumed growing importance Section C: Computer Evidence in English Law 16C1: Early Refusal to Recognise Computer Evidence 16C2: Criminal Law Revision Committee - 11th Report 16C3: Criticism of R. vs. Pettigrew 16C4: Later Developments in English Law 16C5: The English Civil Evidence Acts, 1968 and 1972 16C6: Criminal Cases in English Law Section D: The Problem of Hearsay 16D1: The Hearsay Rule applies in Sri Lanka 16D2: The Basic Problem underlying the Admissibility of Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem is involved with the Problem of Classification Section E: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes			
16B1: Importance stressed in various quarters 16B2: The subject has assumed growing importance Section C: Computer Evidence in English Law 16C1: Early Refusal to Recognise Computer Evidence 16C2: Criminal Law Revision Committee - 11th Report 16C3: Criticism of R. vs. Pettigrew 16C4: Later Developments in English Law 16C5: The English Civil Evidence Acts, 1968 and 1972 16C6: Criminal Cases in English Law Section D: The Problem of Hearsay 16D1: The Hearsay Rule applies in Sri Lanka 16D2: The Basic Problem underlying the Admissibility of Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem is involved with the Problem of Classification Section E: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes?		N1 (5)	42
Section C: Computer Evidence in English Law 16C1: Early Refusal to Recognise Computer Evidence 16C2: Criminal Law Revision Committee - 11th Report 16C3: Criticism of R. vs. Pettigrew 16C4: Later Developments in English Law 16C5: The English Civil Evidence Acts, 1968 and 1972 16C6: Criminal Cases in English Law Section D: The Problem of Hearsay 16D1: The Hearsay Rule applies in Sri Lanka 16D2: The Basic Problem underlying the Admissibility of Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem is involved with the Problem of Classification Section E: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes	16B1:		42
16C1: Early Refusal to Recognise Computer Evidence 16C2: Criminal Law Revision Committee - 11th Report 16C3: Criticism of R. vs. Pettigrew 16C4: Later Developments in English Law 16C5: The English Civil Evidence Acts, 1968 and 1972 16C6: Criminal Cases in English Law Section D: The Problem of Hearsay 16D1: The Hearsay Rule applies in Sri Lanka 16D2: The Basic Problem underlying the Admissibility of Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem is involved with the Problem of Classification Section E: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes?	16B2:	The subject has assumed growing importance	43
16C2: Criminal Law Revision Committee - 11th Report 16C3: Criticism of R. vs. Pettigrew 16C4: Later Developments in English Law 16C5: The English Civil Evidence Acts, 1968 and 1972 16C6: Criminal Cases in English Law Section D: The Problem of Hearsay 16D1: The Hearsay Rule applies in Sri Lanka 16D2: The Basic Problem underlying the Admissibility of Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem is involved with the Problem of Classification Section E: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes?	Section C:	Computer Evidence in English Law	43
16C3: Criticism of R. vs. Pettigrew 16C4: Later Developments in English Law 16C5: The English Civil Evidence Acts, 1968 and 1972 16C6: Criminal Cases in English Law Section D: The Problem of Hearsay 16D1: The Hearsay Rule applies in Sri Lanka 16D2: The Basic Problem underlying the Admissibility of Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem is involved with the Problem of Classification Section E: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes?			43
16C4: Later Developments in English Law 16C5: The English Civil Evidence Acts, 1968 and 1972 16C6: Criminal Cases in English Law Section D: The Problem of Hearsay 16D1: The Hearsay Rule applies in Sri Lanka 16D2: The Basic Problem underlying the Admissibility of Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem is involved with the Problem of Classification Section E: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes?	16C2:	Criminal Law Revision Committee - 11th Report	45
16C5: The English Civil Evidence Acts, 1968 and 1972 16C6: Criminal Cases in English Law Section D: The Problem of Hearsay 16D1: The Hearsay Rule applies in Sri Lanka 16D2: The Basic Problem underlying the Admissibility of Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem is involved with the Problem of Classification Section E: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes?			45
Section D: The Problem of Hearsay 16D1: The Hearsay Rule applies in Sri Lanka 16D2: The Basic Problem underlying the Admissibility of Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem is involved with the Problem of Classification Section E: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes?			46
Section D: The Problem of Hearsay 16D1: The Hearsay Rule applies in Sri Lanka 16D2: The Basic Problem underlying the Admissibility of Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem is involved with the Problem of Classification Section E: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes?	16C5:	The English Civil Evidence Acts, 1968 and 1972	48
16D1: The Hearsay Rule applies in Sri Lanka 16D2: The Basic Problem underlying the Admissibility of Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem is involved with the Problem of Classification Section E: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes?	16C6:	Criminal Cases in English Law	49
16D2: The Basic Problem underlying the Admissibility of Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem is involved with the Problem of Classification Section E: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes?			50
Computer Evidence 16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem is involved with the Problem of Classification Section E: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes?			50
16D3: The English Authorities 16D4: Difficulty to apply Hearsay Rule 16D5: The Problem is involved with the Problem of Classification Section E: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes?	16D2:		
16D4: Difficulty to apply Hearsay Rule 16D5: The Problem is involved with the Problem of Classification Section E: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes?		The Control of the Co	50
16D5: The Problem is involved with the Problem of Classification Section E: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes?			51
Section E: The Problem of Classification 16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes?			52
16E1: Classification in the Evidence Ordinance 16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes?	16D5:	The Problem is involved with the Problem of Classification	52
16E2: When Computer Evidence is Real Evidence 16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes?			53
16E3: Best Evidence Rule and Hearsay Rule will not apply Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes?			53
Section F: The principal categories of Computer Output 16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes?	16E2:	When Computer Evidence is Real Evidence	53
16F1: Business Records 16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes?	16E3:	Best Evidence Rule and Hearsay Rule will not apply	54
16F2: Computer-Generated Records and Computer Software 16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes?	Section F:	The principal categories of Computer Output	54
16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes?			54
16F3: Expert Evidence 16F4: Output of Scientific Instruments Section G: Computer Crimes 16G1: What are Computer Crimes?	16F2:	Computer-Generated Records and Computer Software	54
Section G: Computer Crimes 16G1: What are Computer Crimes?	16F3:	Expert Evidence	54
16G1: What are Computer Crimes?	16F4:	Output of Scientific Instruments	55
16G1: What are Computer Crimes?	Section G:	Computer Crimes	55
1004: The Legal Questions that arise	1661:	wnat are Computer Crimes?	55
	1662:	The Legal Questions that arise	56

TABLE OF CONTI	ENTS - VOLUME II	VII
Section H:	The Present Law of Sri Lanka	56
	Recommendations of the Law Reform Commission in	50
	Sri Lanka (1986)	57
16I1 :	The Recommendations	57
16I2 :	Principal Recommendations of the Law Reform Commission	58
16I3 :	Comments on the Recommendations	59
Section J:	Some Suggested Reforms for Sri Lanka	61
MARLOS DE MONGOS AL AMBO	The Reform should be introduced in a special Statute dealing with "Computer Law" and not in amendments to the	
	Evidence Ordinance	61
16J2 :	How four principal categories of Computer Evidence should	
	be dealt with	62
16J3:	Same criteria for Civil and Criminal cases	64
16J4 :	Scope of Expert Evidence in the Evidence Ordinance	
	can be extended	64
16J5:	The Form of Evidence	65
16]6:	Procedural Provisions	65
16J7 :	Conclusion	66
CHAPTER 17:	DOCUMENTARY EVIDENCE	67
Section A:	General Observations	69
17A1:	Necessity to Determine whether a Document or not	69
17A2:	Documents are governed by Special Rules	69
17A3:	Definition of "Document"	69
17A4:	Questions that may arise regarding Documents	70
17A5:	Principle underlying the Rules	71
Section B:	Primary Evidence and Secondary Evidence	71
17B1:	The Rule as to Proof of Contents of Documents	71
17B2:	What is Primary Evidence?	72
17B3:	What is Secondary Evidence?	76
17B4:	Proof of Documents by Primary or Secondary Evidence	84
17B5:	Rules as to Notice to Produce	97
Section C:	Proof of the Execution of Attested and Unattested Documents	103
17C1:	What is Due Execution?	103
17C2:	Proof of Signatures and Handwriting generally	104
	Documents required by Law to be attested	106
	Attested Document not required by Law to be attested	115
	Summary of the Rules regarding Proof of Attested Documents	116
	Objections to Reception of Documents in Civil Cases	116
	Comparison of Handwriting - Section 73	118
	Public and Private Documents	122
	Public Documents in English Law	122
	Public and Private Documents in Sri Lanka	123
	Specific instances considered	125
	What are not Public Documents	126
	Public Documents are an Exception to the Hearsay Rule	128
	Proof of Public Documents	129
	Presumptions relating to Documents	134
	Preliminary Observations	134
17E2:	Presumptions relating to Documents which the Court shall presume	135
17E3:	Presumptions relating to Documents which the Court may presume	147

Section F:	Bankers' Books	156
	Chapter VI of the Ordinance	156
	History and background of Chapter VI	156
	Purposes underlying these Enactments	157
	Conflict with the Duty of Secrecy	158
	Relevant Definitions	159
17F6:	Limits of Sections 90D and 90E and how the discretion	
	thereunder should be exercised	162
17F7:	Procedure to be followed and Rights and Duties of Banker	167
	The Position in Criminal Cases	171
17F9:	Evidential repercussions of Automated Teller Machines See Appendix	В
Section G:	The Exclusion of Oral by Documentary Evidence	174
17G1 :	Introduction	174
17G2:	The First Cardinal Rule - Section 91	175
17G3:	Exceptions and Limitations to the First Cardinal Rule	181
17G4 :	Explanations to the First Cardinal Rule	183
	The Second Cardinal Rule - Section 92	185
17G6 :	Section 91 Compared with Section 92	194
	Limitations to the Second Cardinal Rule in Section 92	195
	Evidence of Intention, Act and Conduct	198
	Exceptions to the Second Cardinal Rule	199
17G10 :	The Third Cardinal Rule	222
PART IV:	BURDEN OF PROOF AND PRESUMPTIONS	241
	Introduction	243
CHAPTER 18:	THE BURDEN OF PROOF AND THE DEGREES OF PROOF	244
Section A:	Burden of Proof explained: Meanings of "Burden"	245
18A1 :	"Burden of Proof" explained	245
18A2:	Meanings of "Burden of Proof"	246
18A3:	When the Question of Burden is a determining factor	250
	General Rules	250
	Burden of Proof - Section 101	250
	On whom Burden of Proof lies - Section 102	255
	Burden of Proof as to particular Fact - Section 103	257
18B4 :	Burden of Proving fact necessary to be proved to make	
407.5	Evidence admissible - Section 104	261
18B5 :	Burden of proving fact especially within knowledge	
1000	of any person - Section 106	261
1886 :	Relevant Terminology	267
1887 :	"Shifting" of Burden of Proof	271
: 8881	Effect of Misdirection regarding Burden of Proof	273
Section C:	Typical Statutes containing Special Rules regarding	
1001	Burden of Proof	274
	Introduction	274
18C2 ;	Civil Law Statutes	274
: 6J81	Criminal Law Statutes	276
section D:	Special Rules for Civil Cases	286
1801:	The Standard of Proof - The Rule is that the case must	
	or decided on a preponderance of evidence or a belonge	
	of probabilities	286

18D2 :	Two Alleged Exceptions to the "Balance of Probabilities"	
	standard in Civil Cases	287
18D3:	The General Rule is that the burden in civil cases is on the affirmant	291
18D4 :	Special Cases of a Civil nature	293
	Nature of Burden in Labour Tribunal Cases	295
	Special Rules for Criminal Cases	296
	In Criminal Cases, there is a Presumption of Innocence in	
	favour of the Accused	296
18E2:	Special Rules for Criminal Cases regarding Burden of Proof	298
Section F:	Election Cases	328
18F1 :	Strict Proof is required in Election Petition Cases	328
CHAPTER 19:	PRESUMPTIONS	331
Section A:	Definition and Explanation	332
	Introduction	332
	Presumption explained	332
	Classification of Presumptions	333
	The English Law	333
	The Law of Sri Lanka	338
	Conflicting Presumptions	340
	Presumptions which a Court may draw	340
	Preliminary observations	340
1902 :	Section 114	340
	(i) The Rule in Section 114	340
	(ii) The Illustrations to Section 114 (iii) The Illustrations considered	341 342
	(A) Presumptions relating to Innocence	342
	Illustration (a): Recent possession of stolen goods	347
	Illustration (b): Evidence of Accomplices	359
	Illustration (f): Evidence withheld is unfavourable	397
	Illustration (g): Refusal to answer questions	406
	(B) Presumptions relating to Regularity	407
	Illustration (d): Regularity of Judicial and Official Acts	407
	Illustration (e): Common course of business followed	415
	Illustration (h): Discharge of Obligation, when	
	document in hands of obligor	418
	(C) Presumption relating to Continuity,	
	Illustration (c): Continuity of state of things	419
	(iv) Other Presumptions under Section 114	422
Section D:	Presumptions which a Court shall draw	427
	Preliminary Observations	427
19D2:	Special Presumptions which the Court shall draw	428
	(i) Presumptions as to Life and Death	429
	(ii) Presumptions of Continuance of certain relationships	436
	(iii) Presumptions of Ownership from Possession	438
	(iv) Presumption as to Absence of good faith of	
	certain transactions	441
19D3:	Other Presumptions which the Court shall draw	446

Section E:	Conclusive Presumptions	448
	The concept of Conclusive Presumptions	448
	Examples of Conclusive Presumptions - including the	
	Presumption of Legitimacy	448
Section F:	Some New Thoughts on Burden of Proof and Presumptions	470
	Lord Denning's views	470
	Defects in Lord Denning's Classification. Views of Lord Bridge	475
19F3:	Dr Glanville Williams' Views	476
19F4 :	Thoughts of Rupert Cross	477
	BOOK 2	
PART V :	WITNESSES AND THE COURSE OF EVIDENCE	479
	The Competence and Compellability of Witnesses	481
Section A:	General Provisions relating to Witnesses	481
20A1 :	Who may testify	481
	The Oath or Affirmation	500
	How Attendance of Witnesses is secured	506
	Special Rules for parties and their spouses	507
	Parties or Husband or Wife in Civil Cases	507
	Husband or wife of accused in Criminal Cases	508
	Accused Persons	514
20B4:	The Unsworn Statement from the Dock	527
	Failure of accused or the spouse to give Evidence	536
20B6:	Co-defendants, Co-accused and their Wives or Husbands	545
CHAPTER 21 ·	MATTERS EXCLUDED ON GROUNDS OF PUBLIC POLICY	549
	Introduction	550
	Affairs of State	551
	The Rule stated and explained	551
	Essentials for application of Section	553
21B3 :	How Exemption under Section 123 is claimed and applied	556
21R4 ·	Section 123 Compared with Section 162	562
21B5 :	Where Section 123 applies, not even Secondary Evidence	
	can be admitted	563
21B6:	Applicability to Criminal Proceedings	564
Section C:	Official Communications	564
2101 .	The Rule stated and explained	564
21/22 •	Section 123 Compared with Section 124	565
The state of the s	- 1 D CERTAIN AT THE COURT A PARTY	566
2104 -	How Exemption under Section 124 is seemed applied	569
21C5 :	Is Secondary Evidence admissible? Is Secondary Evidence admissible?	575
21C6 :	Distinction between Sections 123 and 124 and the English Law	575
Section D	Information for Detection of Crime	576
21D1	The Rule stated and considered	576
21D2	: The English Law	576
	Principle of Section Nature and extent of Privilege Nature and extent of Privilege	577
21D4	: Nature and extent of Thirdege : Conduct and Knowledge of Judicial Officers : Conduct and knowledge of Judicial Officers	577
Section E	: The Rule stated and considered	578
21E1	: The Rule stated and considered: : Privilege of the Witness	578
21E2	Livinge of the management	579

0.470	D: // 10	550
	Principle and Scope	579
21E4:	Extensions to Analogous Offices	579
CHAPTER 22:M	MATTERS EXCLUDED ON GROUNDS OF PRIVILEGE	581
	Introduction	582
	Professional Communications and Documents	583
	The Rule Stated and Explained	583
	Principle underlying the Rule	584
	The Legal Incidents of the Privilege	585
	Privileges relating to certain documents	607
	Documents relating solely to party's own case	607
	Documents of Witness not a Party	607
	Compulsion to produce Documents-Section 131	609
	Communications between Husband and Wife	610
	The Rule Stated and Explained	610
	The English Law	612
	Principle underlying Section 122	613
	Limitations to Section 122	613
	Criminating Questions and Documents	617
	The Rule and Rationale of the Rule-Section 132	617
	Section 132 Compared with the English Law	617
	Application of Section	619
LLLS.	inplication of Section	
CHAPTER 23:	SUFFICIENCY OF EVIDENCE - CORROBORATION	622
to the same of the	Number of Witnesses - Sufficient Evidence	623
	The Rule Stated	623
	Principle underlying Section	624
	The Exceptional Necessity of Corroboration	625
	English Law Compared with Sri Lankan Law	625
	What is Corroboration?	626
23B1 :	Meaning of Corroboration	626
	In what cases Corroboration is required by Law	628
	Breach of Promise of Marriage	628
	Seduction	629
23C3:	Maintenance Cases	632
	In what cases Corroboration is required by Rules of Practice	635
	Cautionary Rules in English Law	635
	Rape and other Sexual or Similar Offences	636
	The Evidence of Accomplices	649
23D4:	The Evidence of Decoys and Spies	653
23D5:	Evidence of Co-Accused	654
23D6:	Perjury	655
23D7:	Sworn and Unsworn Evidence of children	657
23D8:	Retracted Confessions	659
23D9:	Sole Evidence of one Witness as to Identification	660
	Part Disbelief of Witness - Corroboration required	664
	Claims against Estates of deceased persons	665
23D12:	Matrimonial Offences in Matrimonial Actions	666
	Can the categories be extended?	668

	Nature of Corroboration required by Law or practice	668
23E1:	Preliminary Observations	668
23E2:	Condition or conduct of person requiring to be Corroborated	674
23E3:	Conduct of person against whom Corroboration is required	677
23E4:	Functions of Judge and Jury regarding Corroboration	
	- Proper Directions	687
Section F:	Special Considerations in Criminal Cases	690
	Sufficiency and Need for Corroboration when a Criminal Case	
	rests solely or mainly upon a single major item of Evidence	690
23F2:	Sufficiency and Need for Corroboration when the case	
	against the accused rests on the Evidence of a single but	
	independent eye witness to the crime	690
23F3:	Retracted Confessions	691
	Dying Declarations	691
	Question of Reform in Criminal Cases	691
	THE COURSE OF EVIDENCE	693
	Some Procedural Matters	695
	Evidence before Trial	695
	The Right to Begin	702
	Speeches	704
	Voir Dire	706
Section B:	The Order for the Examination of Witnesses and	
4.54	the Role of the Judge	708
	The Order for Examination	708
	No Property in Witnesses	710
	Editing of Evidence	711
Section C:	Satisfying Judge of Relevancy of Evidence	711
	The Three Rules in Section 136	711
24C2 :	When Objection to be taken and when and how to be disposed of	713
Section D:	The Three Principal Stages of the Examination of a Witness	715
	The Three Stages	715
	Examination-in-Chief	716
	Cross-Examination	719
	Re-Examination	729
	Recall of Witnesses	731
24D6:	Witness called by Court	732
	Leading Questions	734
24E1 :	What is a Leading Question?	734
2462 :	Can Leading Questions be asked in Examination-in-Chief or Re-examination?	
24E3:	Can Leading Questions be asked in Cross-Examination?	
24E4:	Admissibility of Answers to Leading Questions	739
24E5:	Leading Questions by Judge	741
Section F:	Production of Documents	742
	Witness Summoned to Produce Documents	742
24F2:	Evidence as to matters in writing to carry out	742
	provisions of Section 91	=
Section G:	Witnesses to Character	748
		749

TABLE	OF	CONTENTS	- VOLUME II
-------	----	----------	-------------

Section H:	Previous Statements of Witnesses - Consistent and Inconsistent	749
24H1:	Cross-Examination on Previous Statements by Witness	749
24H2:	Corroboration of Witness	755
24H3:	Contradicting or Corroborating Statements	
	under Sections 32 and 33	765
24H4:	Use of Information Book to Contradict or Corroborate	766
Section I:	Impugning or Impeaching Credit or Character of Witness	782
24I1 :	Questions lawful in Cross-Examination as to Credit	782
24I2:	Compulsion to Answer the Questions	787
24I3:	Power of Court to decide when Question shall be asked and	
	when Witness shall be Compelled to answer - Sections 148-152	788
2414:	Witness cannot be Contradicted on assertions in replies	
	to questions as to Credit	792
24I5:	Impeaching Credit of Witness	796
Section J:	Unfavourable or Hostile Witness	808
24J1:	The Rule, its Principle and Scope	808
24J2:	Discretion of Court as to Cross-Examination of one's own Witness	810
24J3 :	Who is a Hostile or Unfavourable Witness in English Law	
	and in Sri Lankan Law?	812
24J4 :	The English Law	816
24J5 :	Evidentiary Value of Evidence of Witness and	
	Previous Statement of Witness	818
Section K:	Refreshing Memory of Witness	822
24K1:	Meaning and Scope of Refreshing Memory	822
24K2:	The Four Rules laid down in Sections 159, 160 and 161	824
24K3:	The use of Police Statements to refresh memory	836
24K4:	Suggested Reforms	837
Section L:	Evidence called out of time	838
24L1:	Evidence de bene esse in Civil Cases	838
24L2:	Evidence in Rebuttal	838
24L3:	Late Evidence generally	849
24L4:	Evidence after Verdict	851
24L5:	Evidence taken in Appeal	853
CHAPTER 25:	THE POWERS, DUTIES AND FUNCTIONS OF THE JUDGE	050
	AND THE JURY	859
	Powers of Judge to Question Witnesses	860
	Reason for Powers of Judge	860
	The Rule Stated	860
	The Rule Considered	861
	Limitations on Powers laid down in Section 165	862
	Scope and Objects of Section 165	864
	Civil Cases	865
	English Law as to questions by Judge	865
	Excessive use of powers under Section 165	866
	Powers of Jury	868
	Powers of Judge to call or recall Witnesses	869
	Power to call Witnesses	869
25B2:	Power to recall Witnesses	873

	Miscellaneous Powers and Duties of Judges relating to Evidence	874
25C1:	Duty to stop Irrelevant and Inadmissible Evidence	874
25C2:	Discretion to exclude Evidence	875
25C3:	How Evidence is to be taken down or admitted	875
25C4:	Where defendant is unrepresented.	876
	Exclusion of the Jury	879
	Comment by Judge on failure of accused to give Evidence	879
	Direction on No Case to Answer	880
	Power to Direct Jury to reconsider verdict	881
	The Respective Functions of Judge and Jury	882
	Limited application in Sri Lanka	882
	Statutory Provisions in Sri Lanka	882
	Some observations on Jury Trials	891
	Summing-up or Charge to the Jury	893
	Summing-up generally	893
	What is Misdirection and Non-direction amounting to Misdirection	896
	Summary of the Law and Practice relating to Misdirection	070
2313.	and Non-direction amounting to Misdirection	898
Section E :	Judicial Misconduct in the Trial regarding Evidence	968
	The General Duty of a Judge	968
	Excessive and inappropriate intervention	971
	Other aspects of Judicial Error	975
251.5 .	Other aspects of Judicial Error	913
CHAPTER 26 ·	IMPROPER ADMISSION (RECEPTION) AND REJECTION OF	ı.
CIBB TER 20.	EVIDENCE	976
Section A ·	191 10 N 2010 PE	976
26Δ1 ·	General Effect of Improper Admission and Rejection of Evidence The Rule Stated and Explained	
		976
	Applicability of Section 167 and other connected Sections	978
26Δ4 •	Three Types of Orders made in Cases of Misreception of Evidence Improper Rejection of Evidence	980
		984
26R1 ·	Misreception and Misdirection - Application of Proviso	985
Section C:	Difference in Application of the Proviso Proviso as to Retrial	985
	Retrial Provisions	986
	The Position in English Law	986
2002.	The Position in English Law	987
CHAPTER 27:	ADMISSIBILITY OF EVIDENCE OBTAINED BY ILLEGAL	
	IMPROPER OR UNFAIR MEANS	988
Section A:	Is there a Rule of Exclusion for Evidence illegally,	900
	improperly or unfairly obtained?	000
27A1 :	The question posed.	989
27A2 :	Scope of the Rule - Is it a Rule of Exclusion or	989
	a matter for discretion of the Court?	000
Section B:	Development in English Law	990
27B1 :	History	995
	Modern developments in English Criminal Law	995
27B3 :	Present position in English Criminal Law	996
Section C:	Developments in Other Jurisdictions	998
27C1 :	American Law	1000
	Commonwealth and Other Jurisdictions	1000
27C3 :	Scottish and Irish Practice	1005
,	THE THE TACHET	1008

Section D:	Criminal Cases	1012
	Things unlawfully produced	1012
	Examples of Illegality, Impropriety or Unfairness	1012
	Entrapment, Agent Provocateur and Incitement to Crime	1027
	What is Entrapment? Admissibility of Trap Evidence	1027
	What is an Agent Provocateur? When is there Incitement to Crime?	1029
	Present Rule: Entrapment and Enticement is not a Defence,	
	but there is a Discretion to Exclude	1033
Section F:	Unfairly obtained Evidence in Civil Cases	1036
27F1:	Does the Exclusionary Jurisdiction apply to Civil Cases?	1036
	Documents and things obtained by stealth	1037
Section G:	The position in Sri Lanka	1038
27G1:	Evidence, including property, obtained by Confessions	1038
27G2:	The Rule of Admissibility prevails in Sri Lanka	1039
27G3:	Suggested Amendments for Sri Lanka	1041
CHAPTER 28:	EXCLUSION OF RELEVANT AND ADMISSIBLE EVIDENCE	
	AND THE EVALUATION OF EVIDENCE	1042
STORT TO SERVICE AND ADDRESS OF THE SERVICE AND	Exclusion of Relevant and Admissible Evidence	1042
28A1:	The Rule as to Exclusion of Evidence where	
	prejudicial effect outweighs its probative value	1042
	Sri Lankan Law	1048
	The Evaluation and Assessment of Evidence	1049
28B1:	Grounds of belief or disbelief of a Witness	1049
	The particular tests applied	1051
	Evaluation of the Evidence of expert Witnesses	1065
28B4:	Indivisibility of Credibility	1067
28B5:	Weight of Evidence	1071
	Developments	1075
	Addenda-More Recent Decisions and Developments	1075
	Suggestions for Reform	1207
Bibliography		1213
Index of Section	ns	1273
General Index	and and death of the outhou	
*Appendix C ł	has been omitted as a result of the sad and sudden death of the autho	4.