BLOGS

Admissibility of Evidence under Indian Evidence Act

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Introduction

Section 17 of the Indian Evidence Act, 1872, defines the term 'admission.' Admissibility involves determining whether the judge can legally consider evidence or information presented in court when deciding a case's outcome. It hinges on factors like relevance, reliability, and adherence to legal procedures stipulated in the Act and other relevant laws.

The Act specifies rules for admissibility, including those related to relevancy, hearsay, expert opinions, character evidence, public documents, privileged communication, admissions, confessions, and the potential exclusion of illegally obtained evidence. Judges are responsible for assessing the admissibility of evidence in line with the Act, ensuring a just and equitable legal process.

Legal Provisions related to Admissibility of Evidence

Admissibility encompasses all relevant facts that a court deems permissible. In accordance with **Section 136** of the Evidence Act, the ultimate authority for determining the admissibility of evidence in a case rests with the judge.

Section 136 specifies that when a party intends to present evidence of any fact or circumstance, the presiding judge has the discretion to inquire how the purported fact, when established, would be pertinent. If the judge deems that the fact, when demonstrated, would indeed be relevant and not otherwise, they shall admit the evidence.

Essential Elements of Admissibility

1. The judge has the sole authority for determining relevance and admissibility.
2. When evidence is presented, the judge can ask for an explanation of its relevance.
3. The judge permits evidence if satisfied with its demonstrated relevance under Sections 6 to 55 of the Act.
4. Relevance precedes admissibility in this assessment process.

Relevancy v. Admissibility

“Relevance” and “Admissibility” are often used interchangeably, but they have distinct legal implications. While all admissible evidence is relevant, not all relevant evidence is admissible.

The Indian Evidence Act addresses the question of relevance in **Sections 5 to 55** and admissibility in **Section 56**.

Relevance encompasses a broader scope, as it signifies that facts connect in a way that makes the existence or non-existence of other facts likely according to common human behavior or events. In contrast, admissibility occurs when facts receive legal recognition as relevant under the Indian Evidence Act, 1872.

Relevance derives from logic and human experience, while admissibility finds its grounding in the law. Relevance determines which facts are necessary to prove or disprove an issue, whereas admissibility discerns between relevant facts that can be admitted as evidence and those that cannot. Relevance acts as the cause, while admissibility serves as the effect. The court can exercise discretion in relevance, but not in admissibility.

In summary, all admissible facts are relevant, but not all relevant facts are admissible, as only legally relevant facts can be admitted in court.

Significant Judgements on Admissibility

In the case of ***Basant Singh v. Janki Singh (1966)***, several principles regarding admissions were established. The ruling first emphasized that there is no distinction between an admission made by a party in their pleadings and other admissions made subsequently.

An admission made in a plaint should be properly signed and verified by the party and can be used as evidence against them in another suit, but it is not considered conclusive. Furthermore, an admission cannot be dissected or taken out of context; it must be considered as a whole. It binds the maker to the facts of the case.

The admissibility of a plea of guilt hinges on the precise words used by the accused or the person charged. For an admission to have substantive evidential value, it must be voluntary; admissions made under duress or compulsion, whether lawful or unlawful, lack validity.

Admissions are prima facie proof and do not carry conclusive value, meaning they do not require further proof unless countered by contrary evidence in court. Clear admissions in the words of the accused or the person charged are considered the best evidence of the submitted facts.

A relevant case, ***K.M. Singh v. Secretary Indian University Association (1992)***, clarified Section 20 as an exception to the general rule of 'admission by a party or agent' stated in Section 18.

Section 20 addresses vicarious admissions, where a third person's opinion becomes relevant when one party in a dispute references the third party's opinion, essentially signaling their endorsement of it while expecting the other party to inquire further. This case highlights the consideration of third-party opinions in certain circumstances within the legal framework.

Factors determining the Inadmissibility of Evidence

- Unfair Prejudice: Exclusion of evidence that unfairly influences the jury or judge, relying on conjecture rather than establishing facts, such as emotionally charged or irrelevant visuals.
- Waste of Time: Elimination of evidence causing unnecessary delays or serving no substantial purpose, like presenting numerous witnesses to prove well-established facts.
- Misleading: Exclusion of evidence that diverts attention from the case's core issue, considered misleading and not allowed.
- Hearsay Evidence: Generally inadmissible information obtained from third parties instead of personal observation, due to its potential for inaccuracies and bias.
- Character Evidence: Typically excluded unless introduced by the defendant first.
- Expert Testimony: Limited to qualified experts; laypersons' testimony is not accepted as expert evidence.

- Privileged Information: Inadmissible in court, including attorney-client privilege or self-incriminating information.

Admissibility of Electronic Evidence in India

The Indian Evidence Act of 1872 was amended by the Information Technology Act of 2000 to include electronic records as admissible evidence in court proceedings. Electronic evidence, often referred to as e-evidence or digital evidence, encompasses data from various sources like digital cameras, cell phones, computers, and more.

Section 65A and Section 65B were introduced to facilitate the admissibility of electronic records. Section 65A outlines the contents of electronic records, while Section 65B specifically addresses the admissibility of electronic records in court.

For electronic records to be admissible under Section 65B, certain conditions must be met, including the regular production of information by the person in control of the computer, proper functioning of the computer, and the derived information’s connection to regular activities. These provisions establish the framework for the admission of electronic evidence in legal proceedings.

Conclusion

Essentially, admissibility implies that the court deems all relevant facts as acceptable, with the judge having the ultimate authority to make this determination based on Section 136 of the Evidence Act. For evidence to be admissible, it must not only be relevant but also comply with specified admissibility criteria. Evidence holds utmost importance in both criminal and civil proceedings and must be protected from tampering to ensure its admissibility in court.