BLOGS

Introduction to Indian Evidence Act

Samridhi M · 03 Apr 2023

Edit TABLE OF CONTENTS Introduction Elements of the Indian Evidence Act General Rules of Evidence Relevancy of Facts Production and Effect of Evidence Significance of the Indian Evidence Act Types of Evidence Other types of Evidence Applicability of the Act to Judicial and Arbitral Proceedings Conclusion

Introduction

The **Indian Evidence Act of 1872** is a crucial piece of legislation that regulates the admissibility, relevancy, and trustworthiness of evidence submitted in Indian courts. The Act came into effect on September 1, 1872, and has played an important part in moulding the Indian judicial system since then.

The Act was passed to guarantee a fair trial and to bar untrustworthy evidence from being considered by the court. The extent, application, components, and importance of the Indian Evidence Act will be discussed in this article.

The Act governs all court processes in India, both civil and criminal. It establishes the rules and principles governing evidence admissibility, the standard of proof, and the weight to be given to evidence submitted in court.

Elements of the Indian Evidence Act

The Indian Evidence Act is divided into three parts-

- The first part deals with the general rules of evidence.
- The second part deals with the relevancy of facts.
- The third part deals with the production and effect of evidence.

General Rules of Evidence

The first section of the Act lays out the basic evidence guidelines that must be observed in all judicial proceedings. The guidelines cover witness competency, the weight of evidence, and the assumption of innocence. The Act also specifies the circumstances under which a person may be forced to testify in court and the penalties for neglecting to do so.

Relevancy of Facts

The second section of the Act addresses the relevance of data. It specifies which details are pertinent to a case and which are not. The Act specifies the circumstances in which a truth can be deemed relevant and how it must be proven in court. It also addresses the validity of hearsay evidence, expert testimony, and prior judgements.

Production and Effect of Evidence

The third section of the Act addresses the generation and application of proof. It specifies the guidelines for providing evidence in court as well as the weight to be assigned to various kinds of evidence. The Act also addresses document validity and the guidelines for demonstrating their legitimacy.

Significance of the Indian Evidence Act

The Indian Evidence Act is important for a number of reasons. For starters, it guarantees that only credible and admissible proof is given in court, thereby improving the quality of justice. Second, it protects the rights of witnesses and accused by defining the circumstances under which they can be forced to testify. Third, by establishing clear guidelines for the production and impact of evidence, it serves to avoid abuse of judicial procedures. Fourth, it is a critical instrument for assuring the Indian legal system's justice and neutrality.

Types of Evidence

The Indian Evidence Act of 1872 defines evidence as "all statements which the Courtcpermits or requires witnesses to make before it in relation to matters of fact under inquiry, such statements are called oral evidence, and all documents produced for the inspection of the Court, such documents are called documentary evidence." This is explained in **Section 3**.

The Act recognizes two types of evidence: oral evidence and documentary evidence.

Oral evidence (Sections 60-66, 118-134):

Oral evidence relates to any comments made before the court by witnesses. The Act defines the rules and processes for collecting oral testimony, such as witness fitness, examination-in-chief, cross-examination, and re-examination. The Act also addresses the validity of hearsay testimony and the conditions under which it may be accepted.

Documentary evidence (Sections 65-90):

Any paper presented before the court, such as written instruments, maps, photos, or electronic records, is considered documentary proof. The Act defines the rules for the admittance and proof of documented evidence, including the necessity in certain cases for the original document to be provided, the validity of duplicates, and the need for expert opinion in certain cases.

Other types of evidence recognized under the Act include:

1. Real evidence (Section 3): Tangible items brought before the court as evidence, such as firearms or garments.
2. Opinion evidence (Sections 45–51): Proof of a witness's point of view on a factual issue, such as expert opinion or character evidence.
3. Earlier judgements (Sections 40–44): Earlier judicial decisions that are pertinent to the present case.

Overall, the Indian Evidence Act recognizes numerous types of evidence and establishes the rules and processes for their validity and use in court.

Applicability of the Act to Judicial and Arbitral Proceedings

This Act defines the word "Judicial Proceeding." However, in the case of ***R v. Gholam***, Justice Spankie ruled all court proceedings can be defined as any process in which evidence is or may be collected, or in which any verdict, punishment, or final order is rendered based on documented evidence. The Court must fulfil managerial or executive as well as legal duties so that the adjudicator or magistrate can serve as a judge in a judicial case.

The Act expressly states that it has no impact on the arbitral procedure. As a consequence, unless the basic principles of justice and well-established principles of evidence are ignored, the judge is not bound by specialised standards of evidence.

Thus, in the case of ***Haralal v. State Industrial Court***, it was determined that the Act's rules do not extend to proceedings before an arbitrator. The purpose of submitting a disagreement to an arbitrator is to resolve it quickly without getting bogged down in the tedious and complex process of a normal trial or technicalities.

Conclusion

In conclusion, the Indian Evidence Act is an essential law that governs the admissibility, relevancy, and credibility of evidence presented in Indian courts. The Act ensures fair trial and excludes unreliable evidence from the court's consideration. It applies to all judicial proceedings in India and covers both civil and criminal cases. The Act outlines the general rules of evidence, the relevancy of facts, and the production and effect of evidence. The Act is significant as it helps to improve the quality of justice, protect the rights of witnesses and defendants, prevent the abuse of court processes, and ensure fairness and impartiality in the Indian judicial system.