

Admissibility

Admissibility of evidence is a foundational concept in the Indian legal system, governed primarily by the Indian Evidence Act of 1872.

This legal framework establishes the criteria for what constitutes acceptable evidence in court and determines the relevance and reliability of such evidence. The principle of admissibility ensures that only pertinent, credible, and legally obtained evidence influences judicial decisions, promoting fairness and justice in legal proceedings.

Relevance and Admissibility

The primary criterion for the admissibility of evidence is its relevance. According to Section 5 of the Indian Evidence Act, evidence relating to the facts in issue or relevant facts is alone admissible.

This implies that evidence must either directly or indirectly prove or disprove a fact in question to be considered admissible. Relevance and admissibility are closely connected, yet distinct concepts—while all admissible evidence is relevant, not all relevant evidence is admissible if it fails to meet other statutory requirements.

Section 136

Section 136 of the Indian Evidence Act grants judges significant discretion in determining the admissibility of evidence.

This section addresses the judge's role in deciding the order of production and relevancy of evidence presented during a trial.

Specifically, it empowers the judge to ask the party offering the evidence to demonstrate its relevancy before it is accepted into the record.

The utility of Section 136 lies in its enhancement of judicial efficiency and its safeguard against the introduction of irrelevant evidence, which could otherwise derail proceedings.

It provides a procedural check where the judge first assesses whether the evidence is prima facie relevant to the issues at hand before deciding on its admissibility.

This gatekeeping role is crucial in maintaining the focus and pace of legal proceedings,

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ensuring that only pertinent evidence is considered.

Hearsay Rule

A significant rule in the admissibility of evidence under Indian law is the hearsay rule. Generally, hearsay evidence, which is second-hand information not witnessed directly by the person testifying, is not admissible in court (Section 60).

However, there are exceptions, such as admissions, dying declarations, and statements in public documents, where hearsay can be admitted under specified conditions detailed in the Act.



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Documentary and Oral Evidence

Under Sections 61 to 90 of the Act, both documentary and oral evidence are covered, stipulating how each can be admitted in court.

Documentary evidence must be original or secondary evidence that can be admitted under specific exceptions when the original is unavailable. Oral evidence must be direct per Section 60, meaning it should stem from someone who has perceived the event themselves, thereby ensuring the reliability of the testimony.

Burden of Proof and Standards of Proof

The burden of proof lies on the person who wishes to assert a claim in court. This individual must provide sufficient evidence to establish their claim's truthfulness.

Indian Evidence Law also delineates different standards of proof, from the "balance of probabilities" in civil cases to "beyond reasonable doubt" in criminal cases, guiding how evidence should be evaluated in different contexts.

Admissibility of Electronic Records

With advancements in technology, the admissibility of electronic records has become increasingly pertinent. Sections 65A and 65B specifically address the conditions under which electronic records are admissible, emphasising the need for originality and proper certification to prevent tampering and ensure the integrity of digital evidence.

Expert Testimony

Expert testimony, governed by Sections 45 to 51, is admissible when the court must form an opinion on points of foreign law, science, art, or as to the identity of handwriting or finger impressions.

The expert's opinion is considered a relevant fact to the extent it assists the judge or jury in making a decision on a disputed point.

Exclusionary Rules

Certain provisions within the Act function as exclusionary rules, determining what must not be admitted as evidence.

This includes privileged communications between spouses, confessions under duress, and evidence obtained through illegal means, which are barred to protect the rights of individuals and uphold the integrity of the judicial process.

