
RETHINKING EVIDENCE AND ADJUDICATION IN INDIA: A CRITICAL STUDY OF REFORM AND JUDICIAL RATIONALITY

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ABSTRACT

A key determinant of any legal system's efficacy is its ability to deliver justice based on truth-finding, reasonable evidentiary practice, and coherent judicial reasoning. Indeed, in the Indian context, the evidentiary regime, which was traditionally shaped by the Indian Evidence Act, 1872 and more recently amended in 2023 via the Bharatiya Sakshya Adhiniyam, continues to play an essential role. However, various factors, from the proliferation of digital evidence to procedural inflexibility, inconsistencies in judicial decisions, and ineffective investigations, necessitate major reforms.

This paper seeks to identify key structural and functional limitations of existing evidentiary practice and judicial reasoning in India. Based on an analysis of the discussed topics, several directions for comprehensive reform in terms of evidentiary practice and judicial reasoning are proposed. They include simplification and rationalization of evidentiary rules, modernization of electronic evidence systems, and exclusionary criteria adjustment. Further, the study focuses on the need to increase the level of investigation standards and use of forensic science methods.

It also addresses the issues of witness protection and testimonial technology, procedural delays, and poor management of cases by judges. Additionally, the paper reviews judicial precedents as important elements of dynamic legal system and highlights the growing role of technological innovations, especially digitalization, online dispute resolution, and artificial intelligence.

Despite potential challenges of reform, from institutional opposition to technological problems, the research concludes that well-planned changes can contribute to making the justice system in India better at discovering truth and providing people with efficient and high-quality legal protection. Thus, this paper aims to discuss key structural and functional problems and their solutions, as well as the need to ensure an optimal balance between procedural technicalities and substantive justice in court proceedings.

Keywords: Evidentiary Reform, Judicial Reasoning, Evidentiary Rationality, Forensic Investigation, Justice Delivery System.

➤ Introduction

As is true for all legal systems around the world, the success of the system in India can be judged based upon the efficacy of delivering justice via proper procedure, factual finding, and judicial reasoning. Indeed, the evidentiary system in India serves as the foundation of its adjudication process and has shown itself to be highly resilient in doing so.¹ Yet, there exist several areas where there are limitations due to the procedural complexities, inefficiencies of the system, and other human limitations.

The current evidentiary structure, rooted in the Indian Evidence Act, 1872, has been highly adaptive despite the ever-changing nature of disputes in modern-day India.² Additionally, the new enactment known as the Bharatiya Sakshya Adhinyam, 2023 represents yet another significant step forward with regard to recognizing electronic evidence.³ Still, legislation alone would not suffice to solve the problems and provide solutions; what is needed is a comprehensive approach to evidentiary practice that would also encompass the area of judicial reasoning.

➤ Need for Reform in Evidence Law and Judicial Reasoning

There are several reasons why reform in evidence law and the way in which judicial decisions are reasoned is essential. These reasons include:

- An increasing number of disputes involving complex electronic evidence.⁴
- Difficulties in the exclusion of relevant material due to procedural rigidity
- The problem of inconsistency among judges when analyzing the same facts
- Failure to effectively assess the credibility of witnesses.⁵

¹ *State of Rajasthan v. Kashi Ram*, (2006) 12 SCC 254.

² The Indian Evidence Act, 1972.

³ Bharatiya Sakshya Adhinyam, 2023

⁴ *Anvar P.V. v. P.K. Basheer*, (2014) 10 SCC 473 (SC).

⁵ *State of U.P. v. M.K. Anthony*, (1985) 1 SCC 505

- Disconnect between the investigation process and judicial expectations

Though the existing doctrinal base is sufficient to deal with the matters of evidentiary law, there remain certain gaps that are yet to be closed.

➤ **Strengthening the Framework of Evidence Law**

a) Simplification and Rationalization of Evidentiary Rules

The problem of the evidentiary provisions in the statutes being overly complicated leads to delays in proceedings and inconsistencies in their application.⁶ However, simplification of the framework should never mean dilution but should involve clarification.

First of all, there seems to be a relation between judicial delays in India and inefficiency of evidentiary rules. In particular, one of the suggested reforms includes elimination of redundant provision in the evidentiary rules, particularly in the Indian Evidence Act, 1872. As far as it is known, there are many redundant provisions in this act that are repetitive or similar, causing lengthy discussions, objections and doubts. The rationalization of the abovementioned provisions may help to reduce delays in litigation process.

The second suggestion can also be referred to as a necessary step to be taken. This reform concerns clarifying ambiguous terms stated in evidentiary rules. For example, terms like "relevancy", "proved", and "admissibility" may have different meanings while being applied in the courtroom, and this leads to frequent appeals of those dissatisfied with the judge's verdict. Clarifying the meaning of such terms in the statute may be rather effective in this case.⁷

Additionally, another reform relates to the necessity to increase efficiency of provisions and simplify procedural requirements in evidentiary rules. Sometimes the current system of evidentiary rules and provisions seems to be too complicated in practice; in other words, the application of evidence-related rules by the trial court is rather problematic due to the high number of procedures involved. Simplifying the process of proving facts or examining witnesses can help to solve this problem.

Finally, it can be noted that the combination of the aforementioned reforms and procedural

⁶ Union of India v. Raghubir Singh, (1989) 2 SCC 754 (SC)

⁷ Indian Evidence Act, 1872, Sections 5–11

laws, i.e. Code of Criminal Procedure, 1973⁸ and Code of Civil Procedure, 1908,⁹ will increase efficiency of reforms aimed at reducing delays in litigation process.

Therefore, the main purpose of the mentioned reforms is not only simplification but also practicability of evidentiary rules and regulations.

These measures would make evidentiary rules easier to apply in practice, especially at the trial court stage where all decisions are made.

b) Modernization of the Electronic Evidence Regime

Modern-day investigations frequently involve electronic and digital evidence. With the passage of the Bharatiya Sakshya Adhiniyam, 2023, Indian courts have already been introduced to this kind of evidence and now have the legal tools necessary to deal with such cases.¹⁰ Nevertheless, additional efforts should be undertaken to improve the situation even further.

Specific reforms include:

- Introduction of standardized protocols concerning electronic evidence
- Establishment of uniform requirements for certification of digital documents
- Institution of appropriate forensic facilities for digital investigation
- Professional training for judges and lawyers with regard to technology

Additionally, judges need to be trained to approach such evidence from a context-sensitive perspective.

c) Recalibrating Exclusionary Rules

The principle of exclusion of unreliable evidence plays a crucial role in protecting the rights of defendants. However, at the same time, exclusionary rules can sometimes prevent courts from

⁸ Code of Criminal Procedure, 1973.

⁹ Code of Civil Procedure, 1908

¹⁰ Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal, (2020) 7 SCC 1

discovering the truth.¹¹

Any effort for reforming the legal process must involve adopting an approach that is flexible and pragmatic regarding the use of evidence. The adoption of an approach such as the "exception to the general rule" can be used when adherence to the rules may not guarantee justice due to time limitations or lack of evidence. Another approach that can be adopted is the "reliability approach, whereby the court is able to consider the evidence based on the principles of evidence set out in the Indian Evidence Act of 1872."

However, any departure from the general rules must be regulated.

➤ **Improving Investigation and Evidence Collection**

a) Strengthening Investigative Standards

It stands to reason that the better the material presented in the court, the higher the chances that judicial decision would prove to be correct and reasonable. Therefore, improving standards of investigation can lead to better judicial reasoning as well.¹²

Reform should aim to improve the quality of evidence collected during investigation. It should involve training of police in regard to evidentiary standards under the Indian Evidence Act, 1872 so that police know what constitutes good evidence in terms of relevancy, admissibility, and documentation. Another aspect that should be improved is the use of scientific methods in conducting investigations.

Moreover, there should be some means through which people conducting the investigations could be held accountable in case of any mistakes made in collecting evidence. Once this accountability measure is in place, one can be sure that evidence will be collected efficiently.

In such circumstances, the evidence will be reliable, preserved well, and credible enough to enable a quick judgment.

b) Integration of Forensic and Scientific Evidence

Increased reliance on scientific methods and instruments can help achieve objectivity and

¹¹ State of Punjab v. Baldev Singh, (1999) 6 SCC 172

¹² C. Muniappan v. State of Tamil Nadu, (2010) 9 SCC 567

impartiality when conducting investigations.¹³ This would lead to the acquisition of highly reliable material and help judges in their work.

Reform measures should include more emphasis on utilizing scientific procedures during evidence gathering and evaluation. These would include increased usage of DNA profiling and biometric identification, together with forensic computer analysis that will be used to evaluate digital records. The courts could also make use of scientific evaluation of physical evidence by employing forensic practices.

This strategy would reduce dependency on human testimony and increase objectivity, precision, and reliability in the evidence-gathering process.

Enhancing Judicial Reasoning

a) Institutional Training and Capacity Building

Judicial reasoning is a skill that can be developed, and judges need to learn it and keep developing throughout their careers.¹⁴ Therefore, efforts need to be made to facilitate the development of such skills.

It is also important for the reforms to consider judicial capacity building. Training judges in critical thinking and logical deduction will enable them to be better equipped to make informed decisions based on sound reasoning. Even exposure to other disciplines such as psychology would help in understanding how witnesses behave and how credible their statements are. Comparative and foreign evidentiary rules are also worth considering improving one's judgment in court.

All these steps will result in better and more considered rulings that are logical and consistent.

b) Institutionalization of Structured Judgments

In order to improve judicial reasoning, the judgments themselves should become more consistent and clearer in their logic.

The reforms will have to concentrate on making a clearer and more systematic process of

¹³ *State of Maharashtra v. Dr. Praful B. Desai*, (2003) 4 SCC 601

¹⁴ *Kranti Associates Pvt. Ltd. v. Masood Ahmed Khan*, (2010) 9 SCC 496 (SC)

judicial reasoning. Judges will have to adopt a more logical process by following a sequential pattern in which they first identify the crucial facts and evidence related to the case, followed by the identification of the disputed issues in the case, and finally apply the correct legal principles based on the Indian Evidence Act, 1872.¹⁵ This is required because this kind of methodical approach will help in making the decision-making process rational and comprehensible.

For this purpose, judicial training and guidelines regarding decision making have to be provided to the judges so that the process becomes easier for them in the future.

c) Minimizing Subjectivity in Decision-Making

Minimizing subjectivity is crucial because the goal of judicial reasoning is to find out the facts without taking into account personal beliefs. To this end, it is important to stick to certain rules.

In addition, the reform process needs to give greater importance to strict adherence to evidentiary and procedural principles, as outlined in the Indian Evidence Act, 1872. Judges should pay greater attention to credible evidence, such as documentary evidence and scientific findings, rather than relying heavily on testimonies alone.

On the other hand, judges should make their reasoning processes explicit by explaining how they use facts to arrive at conclusions based on the law.¹⁶ Consistency in following precedents is also essential because it will create consistency and stability within the legal system.

These measures will ensure that judicial decisions are clear, consistent, and credible.

Dealing with Problems of Witness Reliability

a) Improving the Scheme of Witness Protection

Witness intimidation is one of the most common problems hindering the search for truth.¹⁷ Therefore, witness protection schemes have to be made effective.

There needs to be much attention towards the creation of witness protection systems, since the

¹⁵ Assistant Commissioner v. Shukla & Bros., (2010) 4 SCC 785

¹⁶ 16 M.K. Anthony, supra n. 5

¹⁷ Zahira Habibullah Sheikh v. State of Gujarat, (2004) 4 SCC 158 ¹⁸ Praful Desai, supra n. 13

credibility of the justice system depends largely upon the willingness of the witnesses to give their statements in court. This will involve putting into practice witness protection schemes, giving them the privacy or anonymity they need, and punishing severely anyone who intimidates or tries to pressure the witnesses in any way.

Witnesses can be assured that they will never be subject to harassment or intimidation and thus be more willing to speak the truth. And in this way, the credibility of the whole process of justice will improve.

b) Application of Technology to Testimonies Recording

Technology could be utilized to further improve the process of testimony recording.¹⁸

Steps have to be taken that help in the application of technology in the recording and storage of evidence from witnesses. This may involve taking video recordings of the evidence, use of deposition as well as the process of allowing testimony through video conferencing in cases where the witnesses are not physically available. On the other hand, security measures have to be adopted in order to prevent the digital storage from any form of damage or alterations.

The other important point involves conducting interviews immediately after the occurrence of the events due to the fact that it becomes difficult to recall information the longer the period becomes. Overall, the above steps are expected to enhance the effectiveness of using witness testimonies.

➤ Reduction of Delays in Judicial Proceedings

a) Implementation of Procedural Reforms

Procedures that delay trials negatively impact both evidence and judicial reasoning.¹⁸

The main changes should relate to avoidance of unnecessary adjournments; conformity to specified deadlines when presenting evidence; timely disposal of the disputes; elimination of unnecessary procedural obstacles.

¹⁸ Hussainara Khatoon v. State of Bihar, (1980) 1 SCC 81

This way, timely trials will allow preserving the evidence collected.

b) Implementation of Case Management System

Effective case management will be key to decreasing the backlog of cases and ensuring greater judicial efficiency.

These changes include pre-trial scheduling of evidentiary disputes; increased judicial supervision of proceedings; application of technologies for better case management. Such reforms will help evaluate evidence systematically.

Reconciliation of Technical Requirements with the Principle of Substantive Justice

One of the main priorities of the reforms in the domain in question is reconciling technicalities of the process with its ultimate purpose – the establishment of truth.

It is the responsibility of courts to make sure that judicial reasoning continues to be purposeful, and justice driven. The rules of procedure are to be construed in a purposive manner so that the ultimate objective of ensuring justice is achieved.

However, there must not be any miscarriage of justice due to minor procedural lapses.¹⁹ What matters most in such situations is whether or not the basic rights of the parties as well as the issues have been addressed.

In other words, evidentiary rules enshrined under the Indian Evidence Act, 1872 are to be employed to ascertain the truth.

In that way, courts will achieve greater success in their reasoning.

➤ The Role of Judicial Precedents in the Process of Reform

Judicial precedents are not merely means for interpretation, but also drivers of legal evolution. Courts need to actively participate in legal reformations by:

The judicial branch is crucial for ensuring that laws are relevant to the present scenario and time, hence always updated amidst a rapidly changing socio-technological environment. Also,

¹⁹ K.K. Velusamy v. N. Palanisamy, (2011) 11 SCC 275

courts are mandated with the crucial task of clarifying vague laws,²⁰ including those provided in Acts such as the Bharatiya Sakshya Adhiniyam, 2023.

Moreover, through their judgments, courts contribute towards developing the principles of law. Nonetheless, it is critical that courts be cautious not to fall into the danger of becoming a victim of their success by being overly consistent to the detriment of development.

Such an approach will promote continuous legal development.

➤ **Adoption of New Technologies in the Legal Domain**

Technological progress creates opportunities for reforming evidentiary practices and judicial reasoning.

The digitalization of court documents and evidence can play an important role in improving the functioning of the justice system, allowing for easy accessibility, preservation, and management of information. Artificial intelligence technology can help judges and attorneys through legal research, case analysis, and pattern identification, thus contributing to efficiency.²¹

However, online dispute resolution (ODR) provides a solution to court hearings. Disputes can be resolved faster and cheaper than traditional litigation procedures, which would decrease the number of disputes handled by the courts and increase justice accessibility for individuals.

Such technological innovations will increase effectiveness of courts.

Critical Assessment of Proposals for Reform

Although all of the proposals for reform presented here have significant potential for improvement, implementing them poses some challenges.

The challenges involved are those faced by reformers in reality and include, among others:

One important challenge is that of insufficient resources and infrastructure, which hampers the adoption of advanced technology in courts. Resistance to change is another challenge in the

²⁰ Raghbir Singh, *supra* n. 6

²¹ Praful Desai, *supra* n. 13

sense that institutions tend to resist change because of existing mind-sets. Another important challenge is poor coordination among the three branches of government, namely the legislature, executive, and judiciary. However, these difficulties can be overcome gradually.²²

➤ **Conclusion**

The administration of justice in any legal system primarily relies on the ability of courts to discover the truth. Although the evidentiary system in India has always had the capacity to evolve, recent years saw the emergence of numerous issues related to its efficiency and fairness. In order to address this challenge, reforms are necessary; however, merely changing legislation in accordance with the Bharatiya Sakshya Adhiniyam, 2023 would not provide the expected results. Therefore, this study attempts to outline several areas requiring attention and suggest ways to achieve improvement in each case.

As has been established throughout the discussion, reforms in evidentiary practices and judicial reasoning should include rationalization of evidentiary rules, adoption of modern technologies for digital evidence handling, and use of forensic science methods and investigation techniques. Also, it seems essential to focus on minimizing subjectivity of judgments, improving the quality of evidence submitted to court, and enhancing the intellectual rigor of judges. Moreover, various procedural inefficiencies should be addressed, and the role of technological innovations cannot be overlooked.

However, it goes without saying that a number of challenges exist when it comes to implementing proposed measures. Firstly, certain infrastructural changes should occur in order to ensure that technologies used by courts operate effectively and smoothly. Secondly, the need for cooperation and coordination within the justice system and between governmental institutions might slow down progress considerably. Nevertheless, all these problems are manageable and require careful planning.

In conclusion, it is fair to state that the future of India's legal system relies on the ability of the country to successfully harmonize procedural elements with substantive requirements and goals of judicial practice.

²² 23 Kashi Ram, *supra* n. 1