
DYING DECLARATION AND ITS APPLICABILITY IN THE INDIAN CRIMINAL JUSTICE SYSTEM

Saana Malik, Indian Institute of Management Rohtak

SECTION 1: INTRODUCTION

INTRODUCTION

A "Dying declaration" is a notable exception to the hearsay rule. Dying declarations can significantly impact criminal prosecutions in India, especially in situations of homicide, culpable homicide, and other fatal injury charges. A "Dying Declaration" is a statement made by someone who feels that he is going to pass away, discussing how he sustained the injuries that are killing him or any other immediate cause of his death, as well as discussing the person who caused the injuries or the person who is suspected or charged with causing them.¹

There is no definition for the term in the Indian Evidence Act; nonetheless, Section 32(1) of the Act defines dying declaration as follows:

*"A dying declaration is statement made by person as to cause of his death or as to any of the circumstances of the transaction which resulted in his death, in cases in which the cause of the death of that person comes into question."*²

As long as the statements are related to the cause of death or the events leading up to it, this clause permits them to be admitted as evidence in both criminal and civil prosecutions.

The phrase "Dying Declaration" is founded on the following legal maxim:

"Nemo Moriturus Praesumitur Mentire" it means that a man will not meet his maker with a lie in his mouth.³

¹ Black's Law Dictionary, 9th Edition (2009)

² Section 32(1) Indian Evidence Act, 1872

³ Shakuntala v. State of Haryana AIR 2007 SC 2709

Truth is what a dying man is saying as Matthew Arnold stated:

“It is based on the principle that dying declaration are made in the extremity when the party is at point of death, and every hope of this world has gone, when every motive to falsehood is silenced and the mind is induced by the most powerful considerations to speak the truth; a situation so solemn and so awful is considered by the law as creating an obligation equal to that which is imposed by a positive oath administered in a court of justice.”⁴

Thus, Lyre LCR expressed these points in **R. vs. Wood Cock**⁵. Shakespeare portrays the injured Melun, who discovers he is not believed when revealing the Dauphin's planned betrayal. The legal concept states that such declarations can be admitted under certain conditions, including the declarant's expectancy of death and the statement's relevance to their death. The Supreme Court's opinion reinforces that dying pronouncements have a presumption of truth but must be supported by other evidence to warrant a conviction.

In India, where acts like homicide, dowry deaths, and other serious crimes are common, deathbed declarations have been essential in obtaining convictions and delivering justice for victims. This evidential method is distinctive due to its dependence on the victim's perspective, providing their voice with posthumous significance in the judicial process. The admissibility, credibility, and interpretation of dying declarations are subject to rigorous examination and judicial discretion. Courts must meticulously evaluate the conditions surrounding the declaration, taking into account variables such as mental state, voluntariness, and consistency, to ascertain its evidentiary value.

The concept of dying declarations is not a new one; its roots may be traced back to some of the earliest legal systems and common law traditions in existence. It was common practice in early English law to allow dying pronouncements to be used as evidence in cases of homicide. This was done on the basis of the assumption that a person who is facing death in the near future is not likely to tell lies. Because of the formulation of the Indian Evidence Act in 1872, this idea was able to find a place in the Indian legal system during the time of colonial rule.

Through the incorporation of dying declarations as an exemption to the hearsay rule, the Act established the groundwork for their continuous relevance in contemporary criminal

⁴ *Eyre C.V. in R v. Woodcock (1789) 1 Leach 500*

⁵ *(1789) 1 Leach 500*

jurisprudence. In addition to that, the physical and mental state of the person making the declaration at the moment of the declaration is a factor that determines the trustworthiness of the dying declaration. In situations in which the victim is experiencing significant pain, trauma, or is under the influence of medicine, the accuracy and coherence of their testimony may be impaired. The extent to which such remarks can be relied upon to demonstrate guilt beyond a reasonable doubt is called into question as a result of this particular circumstance.,

STATEMENT OF PROBLEM

A vital piece of evidence under Section 32(1) of the Indian Evidence Act, 1872, dying declarations inhabit a unique and pivotal position within the Indian criminal justice system. Nevertheless, the use of dying declarations as the sole source of evidence frequently generates substantial ethical and legal concerns. The presumption that an individual on the brink of death is unlikely to lie (*nemo moriturus praesumitur mentiri*) has endured throughout history; however, its practical application in contemporary jurisprudence presents a multitude of challenges and ambiguities. Ultimately, the equitable administration of justice is impacted by the perplexity that arises as a result of the lack of clarity regarding their admissibility, reliability, and interpretation.

The circumstances under which dying declarations are recorded are one of the primary issues. In numerous instances, these declarations are acquired by medical personnel or law enforcement officers who may not possess the necessary legal knowledge or training to guarantee that they are free from coercion or manipulation. This issue is further exacerbated by the absence of standardized protocols for recording dying declarations, which frequently results in inconsistencies and raises concerns about their authenticity. For example, a declaration that is truthful and pertinent may be perceived as unreliable if it is recorded without the presence of a magistrate or appropriate documentation.

The mental and physical state of the declarant at the time of the statement is another critical challenge. Inadvertently, victims who are in severe agony, gravely injured, or under the influence of medication may provide incoherent or incomplete statements. The courts are obligated to evaluate the credibility of these declarations; however, the absence of consistent criteria for determining their probative value frequently leads to conflicting judicial interpretations. This variability undermines the consistency of legal precedents and cultivates uncertainty regarding the evidentiary significance of dying declarations.

RESEARCH OBJECTIVE

- 1) To recognize the legal concerns that arise while documenting the dying declaration.
- 2) To examine dying declaration's application in administration of justice.

RESEARCH METHODOLOGY

The study used **doctrinal research** technique, which involves the utilization of secondary sources by the researcher. The researcher examined several books, journals, and papers while composing this study. In addition to other resources the researcher employed, such the Internet, while producing this study project, the landmark decisions were also consulted. An analysis of reports, papers, and case laws regarding resources located in other scientific databases of the Online Library and various book cum-compendiums was conducted. (Live law, Lexis Nexis, SCC, Manupatra, and others) A comprehensive analysis of a multitude of publications, papers, pertinent statutes, and case laws will be conducted. In order to investigate the legal, theoretical, and practical aspects of dying declarations within the Indian criminal justice system, this research employs a doctrinal methodology.

Doctrinal research, often termed library-based or analytical research, focuses on the analysis of established legal concepts, statutes, case law, and secondary sources to develop a comprehensive understanding of the subject area. The doctrinal approach is especially appropriate for this task, as it focuses on the systematic research of court interpretations and legislative laws, alongside the scrutiny of the established legal framework and its application to dying declarations.

LITERATURE REVIEW

Dying declarations originated in English common law, where they were accepted as evidence due to their dependability. The reasoning was that a person, cognizant of imminent mortality, would be compelled to convey the truth. This notion was subsequently embraced by colonial legal systems, especially that of India, during the British period. The Indian Evidence Act of 1872 established this notion in Section 32(1), acknowledging the admissibility of testimony made by those who perceive themselves to be near death concerning the reason of their demise or the circumstances surrounding it.

Dying declarations are essential to the criminal justice system since they allow courts to ascertain the truth and, based on the declarant's statement, to make a determination regarding the accused individual's criminal culpability. A substantial body of literature on dying declarations exists in India, encompassing books, articles, papers, journals, and several Supreme Court opinions that have been referenced throughout the research process.

The book **Law Relating to Dying Declaration**⁶ offers a comprehensive examination of dying declarations, addressing all pertinent subjects in extensive detail. A significant flaw in the system is the absence of controls that courts have to implement while utilizing dying declarations, as conflicts in their admittance occasionally arise.

A comprehensive analysis of contemporary case law has been undertaken, with extensive attention given to the guidelines outlined in various judgments regarding the documentation of dying declarations. The court possesses the jurisdiction to convict the accused only based on this category of dying statement, without necessitating further corroboration or examination of other Supreme Court precedents concerning the admissibility of dying statements. The court will consistently consider the dying declaration if it is regarded as credible.

In **The Law of Evidence**⁷, the author emphasized the critical role of the law of evidence in the effective operation of the legal system, as only admissible and germane evidence can establish the existence of substantive rights. It establishes the fundamental components of judicial inquiry that are essential for the effective administration of justice. Human connections have been unexpectedly altered by rapid advancements in a variety of spheres of life, resulting in new disputes and conflicts. The author continues by asserting that the law of evidence must perpetually adjust to new developments that present previously unidentified obstacles to the collection of data and factual substantiation. Throughout history, the corpus of evidence law has expanded as a consequence of the courts' diverse case law and judicial precedents.

In his article, **Dignath Raj Seghal**⁸ argued that the authenticity of the dying declarations made by rape victims. In contrast to English law, Indian law has adopted a more expansive definition and interpretation of a dying declaration. Although a man may be deceitful, the article asserts

⁶ BB. Panda, *Law relating to Dying Declaration*, (2010)

⁷ Ratanlal and Dhirajlal, *The law of evidence*, Wadhwa and company Nagpur, 2007

⁸ D.R.Seghal, 'Dying declaration and it's importance for rape victims' (2020), iPleaders
<https://blog.ipleaders.in/dying-declarations-importance-rape-victims/> accessed 12 December 2024

that the circumstances are not deceitful. A dying pronouncement is a critical piece of evidence that is significantly more valuable than an eyewitness account. The singular disadvantage is that the accused is unable to cross-examine the same individual. In terms of evidence, it is practically considered sacred if it is determined to be truthful and unaffected by force, and if there is supporting evidence that it speaks for itself. There is no legal barrier to accepting it as the sole basis for conviction.

Riya Ray⁹ examines the structure and procedure of a deathbed declaration, together with the conditions for its admissibility as evidence, in his paper. It also considers the legal interpretations established by the courts in various situations concerning dying pronouncements, which may assist the trial judge in assessing the accused's culpability or innocence.

In his article, **Vaidehi Gupta**¹⁰ analyzes the circumstances in which a deathbed declaration can be accepted as evidence, along with the requisite format and procedures involved. It also considers the legal interpretations established by the courts in various situations concerning dying pronouncements, which may assist the trial judge in assessing the accused's culpability or innocence.

SECTION: 2

DYING DECLARATION: AN OVERVIEW

DYING DECLARATION- A LEGAL THEORY

The “dying declaration is based on the premise that the declarant's awareness of imminent death affects their cognition. Although this type of declaration is occasionally considered hearsay evidence, the court deemed it more fitting to consider this remark in homicide cases because of its apparent significance.”¹¹

For the court to determine the rights, obligations, and liabilities of the parties involved in the

⁹ Riya Ray, ‘The Plausibility of Dying Declaration under the Indian Evidence Act as an Exception to the Rule against Hearsay’ (2020), 3 INT’L J.L. MGMT. & HUMAN

¹⁰ Priyank Rao & Tushti Arya, ‘Nemo Moriturus Proesumitur Mentiri: Dying Declaration in India’ (2023), 5 INDIAN J.L. & LEGAL RSCH

¹¹ B.B. Panda, *Law Relating to Dying Declaration 1* (2010)

¹² Section 60, Indian Evidence Act, 1872 (Act 01 of 1872).

case or proceedings, the facts must be established in a court of law through the presentation of evidence. Consequently, to ascertain the veracity of the subject matter, particular forms of evidence are required, including eyewitness testimony, primary or secondary documents, and other evidence types such as direct or hearsay evidence.

According to established norms, all evidence submitted in court must be direct. This indicates that if any evidence relates to a fact that the witness asserts to have personally observed, he may testify to having heard it. However, if the witness possesses additional information that can be obtained through alternative methods, he is obligated to provide testimony accordingly.¹²

Hearsay evidence is distinct from direct testimony in that the witness is not the primary observer; instead, the witness has obtained the information from secondary sources.

Consequently, the hearsay evidence rule is violated in the instance of the Dying Declaration. The court typically does not consider hearsay evidence due to its lack of credibility; however, in instances involving "dying declarations," the court grants some weight to hearsay evidence."

SECTION: 3

CONDITIONS FOR APPLICABILITY OF DYING DECLARATION

3.1"CONDITIONS FOR ADMISSIBILITY IN COURT

Section 32(1) of the Indian Evidence Act, 1872, regulates the specific category of evidence termed dying statements within the Indian legal framework. They allow the acceptance of statements made by a deceased person concerning the cause of their death or the related circumstances in court. However, for a deathbed declaration to be considered legal and accepted, several criteria must be met.

3.2 RELEVANCE TO CAUSE OF DEATH

The statement must relate directly to the cause of death or the circumstances leading to it. If the declaration pertains to other matters unrelated to the death, it will be deemed inadmissible. For example, if a victim makes a statement about an assault but later commits suicide, that statement may not be admissible if it does not directly relate to the cause of death

3.3 MENTAL STATE OF THE DECLARANT

The declarant must be in a sound state of mind and aware that they are nearing death. Having this insight is extremely important since it has an effect on how truthful the statement is judged to be. It is commonly accepted by the courts that a person who is facing death in the near future is less likely to lie.

3.4 ABSENCE OF TUTORING

The statement must be free from any influence or prompting by others. In the event that there is evidence that the declaration was made under pressure or suggestion, the reliability of the declaration may be called into question.

3.5 RECORDING AUTHORITY

Dying statements ought to be documented by a qualified authority, such as a magistrate or police officer, who can guarantee adherence to correct protocols and evaluate the declarant's mental condition prior to recording the statement.”

3.6 MULTIPLE DECLARATIONS

Multiple dying declarations often create complications due to inconsistencies that undermine their credibility. Courts must carefully assess their reliability, prioritizing declarations recorded by impartial authorities like judicial magistrates. Establishing standardized protocols and requiring corroboration with independent evidence is crucial to ensure fairness, prevent misuse, and avoid wrongful convictions based on conflicting statements.

3.7 CERTIFICATION BY MEDICAL STAFF

It is recommended that medical staff attest to the declarant's mental fitness at the time of the declaration. This enhances the trustworthiness of the recorded statement.

3.8 FORMS OF DECLARATION

Declarations of death can be made in a variety of ways, including verbally, in writing, or even through gestures if the person making the declaration is unable to communicate verbally. On

the other hand, the declaration ought to be documented in a systematic manner, such as through questions and answers, in order to guarantee both clarity and correctness.

3.8.1 Oral dying declaration

The court determined in **Bable v. State of Chhattisgarh**¹² that an oral death statement may be admitted and considered an exception to the hearsay rule of the Indian Evidence Act. The phrase "words" denotes the oral dying statement, and there is no stipulation that the dying declaration must be documented or recorded as a series of questions and replies. To establish a basis for conviction, the oral deathbed declaration must be reliable, credible, and subjected to thorough scrutiny. Oral death pronouncements may be perceived as inadequate evidence; hence, they occasionally require corroboration with tangible details. The court may assess the corroboration while validating the oral death declaration to ascertain its reliability.

In **Satyaprakash S. Dahiwal v. State of Maharashtra**¹³, the deceased provided an oral dying declaration to an unfamiliar individual, who was later acknowledged as a witness in this case and testified before the court, identifying the accused. The court acknowledged this statement and affirmed the accused's conviction under Section 302 of the Indian Penal Code.

3.8.2 Written dying declaration

The declarant's written dying declaration, or written declaration, is the statement presented in document format. Nevertheless, it is frequently noted that the probability of a written deathbed statement by the declarant diminishes due to poor health and incapacity to record the particulars of the transaction that resulted in his demise. Consequently, the court now recognizes the declarant's statement conveyed through sign or gesture alongside the declarant's verbal declaration. According to Section 32(1) of the Indian Evidence Act, a letter that articulates the cause of death and the particulars of the transaction resulting in the individual's demise may sometimes be considered a dying declaration.¹⁴

3.8.3 Statement made by sign and gesture or in any other manner

The declaration made by the declarant through gestures and signs is also admissible as

¹² *Bable v. State of Chhattisgarh* AIR (2012) SC 2621

¹³ *Satyaprakash S. Dahiwal v. State of Maharashtra* (2007) Cr.L.J 607

¹⁴ *Nanahu Ram v. State of Madhya Pradesh* AIR (1988) SC 912

evidence. In the case of **Queen Empress v. Abdullah**¹⁵, the Full Bench of the Allahabad High Court noted that the accused had slit the girl's throat, preventing her from verbalizing the perpetrator's identity; yet, she signed the accused's name to aid the court in identification. The court ruled that the deceased girl's sign would be regarded as her final testament and had legal significance.

Justice L.S. Panta noted that while a dying declaration conveyed through sign or gesture may be admissible as evidence, it is perilous to sustain a conviction based on a questionable dying pronouncement that fails to instill complete faith. In an acid assault case, the declarant was rendered mute due to extensive burn injuries affecting many areas, including the face, neck, and lips. Nevertheless, the magistrate documented the declarant's statement through a sign or gesture; however, other inconsistencies were included in the declaration, leading the court to determine that it was a coached deathbed declaration. The court is tasked with verifying the authenticity of the deathbed declaration. A dying pronouncement conveyed through gesture or sign is admissible in court, if it is made with absolute certainty and, if required, corroborated by pertinent circumstances.¹⁶

The dying statement must be documented in a question-and-answer format, ensuring that the questions posed to the declarant allow for a clear response. The response given by the declarant must be in their exact words, or an accurate interpretation of the declarant's words should be utilized. The declarant's statements will be afforded significant weight, providing a superior means of ascertaining the truth. The court should not dismiss the deathbed declaration only due to its absence of a question-and-answer format.

Nonetheless, the court observed that in a specific instance, if the dying declaration had been documented by the magistrate, the documentation should have been structured as a question-and-answer dialogue. Nonetheless, if the magistrate presents evidence that the statement was documented in alignment with the declarant's narrative, the absence of a question-and-answer structure in the recording would not invalidate the dying declaration. Thus, the court determined that the decision to document the case in a question-and-answer format would depend on its specific facts.¹⁷

¹⁵ *Queen Empress v. Abdullah* ILR 7 ALL 385

¹⁶ *J Ramulu v. State of Gujarat* AIR (2007) SC

¹⁷ *Surinder Kumar v. State of Punjab* (2012) 12 SCC 120

In **Satish Chandra v. State of Madhya Pradesh**¹⁸, the court examined the admissibility of a declarant's deathbed declaration in a question and answer style. Nevertheless, the court observed that this cannot be the sole justification for dismissing the declarant's deathbed declaration. A deathbed declaration may be admissible if it fulfills the criteria specified in Section 32(1) of the Indian Evidence Act. No interested person may be present during the recording of the dying statement.

Dying declaration can be recorded by any person, Magistrate, Doctor and Police. This dying declaration may exhibit a significant potential for bias from family members; yet, relatives are permitted to document the declarant's speech, as declarations made to close kin possess substantial sanctity and are admissible. It is plausible for individuals with ulterior interests to tamper with a dying pronouncement. A deathbed declaration recorded by an individual who is not a family member is frequently deemed inadmissible as evidence by the court.¹⁹ In **Arvind Singh v. State of Bihar**, the declarant provided a statement to the mother; nevertheless, the Supreme Court rejected the deathbed declaration due to several deficiencies.²⁰

SECTION 4

DYING DECLARATION- APPLICATION IN ADMINISTRATION OF JUSTICE

This legal principle acts as an exception to the hearsay rule, permitting such utterances to be accepted in court, especially under the Indian Evidence Act, 1872, and analogous regulations in other jurisdictions. Section 32(1) of the Indian Evidence Act stipulates that declarations made by an individual on the cause of their death or pertinent circumstances are admissible in cases where the cause of death is disputed.²¹ "This provision acknowledges that an individual nearing death is inclined to convey the truth, as they possess no incentive to deceive in the face of impending mortality. A dying man will only speak the truth when he is close to death, which is why courts today place a great deal of weight on dying declarations. If the courts determine that a conviction will not infringe upon the accused's rights, a conviction may be sustained solely based on deathbed declarations."²²

¹⁸ *Satish Chandra v. State of Madhya Pradesh* (2014) 6 SCC 723

¹⁹ *Danddu Laxmi Reddy v. State of A.P.* AIR (1999) SC 3255

²⁰ *Arvind Singh v. State of Bihar* AIR (2001) SC 2124

²¹ Section 32(1), Indian Evidence Act, 1872 (Act 01 of 1872).

²² *Best W.M. The Principles of Law of Evidence* 41(9th Edition)

The court in **Surinder Kumar v. State of Punjab**²³ determined that the dying declaration could be the sole basis for conviction in this case, without the necessity of additional evidence, as long as it was issued voluntarily. The magistrate is accountable for accurately documenting the statement to guarantee that it fulfills the fundamental objective of justice. The statement's admission as evidence in a court of law is a fundamental component of the legal system and a critical instrument in the administration of justice.

4.1 DUTY OF COURTS TO TEST THE RELIABILITY OF DYING DECLARATION

For a deathbed declaration to be admitted as evidence, the judge must assess whether the declarant was in a fit state of mind and whether the statement was free from external influence. The court's acceptance of the declaration as truthful and voluntary can form the basis for conviction without additional evidence. In **Patel Hiralal Joitaram v. State of Gujarat**, the court emphasized that admissibility is the first step, followed by an assessment of the declaration's reliability. If deemed reliable, the declaration can be considered significant evidence, even without further corroboration.²⁴

4.2 SOLE DYING DECLARATION WHEN IT FROM THE BASIS OF CONVICTION

In the case of **Bapu (Nandu) Prabhu Koli v. State of Maharashtra**²⁵, the deceased Varsha made the only testament to her death, stating that she had poured kerosene herself and that her husband had then set her on fire. Varsha's declaration and the police-recorded narrative of her death, however, were entirely distinct from the narrative presented by the prosecution. The court observed that it is dangerous to rely solely on the deathbed declaration provided by the deceased Varsha in this case, as it is not substantiated by additional evidence or pertinent details and contains numerous inconsistencies. Consequently, the court determined that the accused cannot be convicted solely on the basis of this concluding statement.

4.3 WHEN CORROBORATION OF DYING DECLARATION IS A MUST

A dying declaration may enough to convict an accused without supplemental proof; but, the case's circumstances may necessitate confirmation with other evidence or significant information. In these instances, the court is required to meticulously evaluate the

²³ *Surinder Kumar v. State of Punjab* (2012) 12 SCC 120

²⁴ *Patel Hiralal Joitaram v. State of Gujarat* AIR (2001) SC 2944

²⁵ *Bapu (Nandu) Prabhu Koli @ Raut v. State of Maharashtra* (2018) SC

circumstances, which renders the corroboration highly effective²⁶. In the case of **Sampat Babso Kale & Anr v. State of Maharashtra**²⁷, the Bombay High Court adjudicated the accused and his sister culpable for the death of his wife. Nonetheless, the Supreme Court, consisting of Justice Deepak Gupta and Justice SA Bobde, exonerated the defendants. The Supreme Court noted that a defendant may be convicted simply based on their dying declaration. Nonetheless, if a question arises concerning the declarant's fitness at the time of the declaration, further verification of the dying declaration is required. The statement was issued by the declarant before the doctor's endorsement, yet before the evaluation of the declarant's fitness. Consequently, the court concluded that corroboration was necessary in this specific case.

4.4 DELAY IN RECORDING DYING DECLARATION

The value of the dying declaration will be diminished if there are any unnecessary delays in its recording. Nevertheless, the court has made it clear on numerous occasions that the delayed dying declaration may be admitted if there is a reasonable delay and a necessary circumstance. The prosecution, however, is required to provide the court with an explanation of the circumstances that led to the delay.²⁸

4.5 FIR AS A DYING DECLARATION

Prior to the police officer's demise, an injured party submitted a First Information Report in the case of **K. Ramachand Reddy v. Public Prosecutor**²⁹. In this case, the Supreme Court determined that the FIR of the wounded party could be considered a dying statement and admitted as evidence.

SECTION 5

OPINION AND CONCLUSION

Dying declarations constitute a crucial albeit imperfect exception to the hearsay rule, permitting statements from individuals who perceive themselves to be near death to be accepted as

²⁶ *Vinay Kumar v. State of M.P.* AIR 1994 SC 830

²⁷ *Sampat Babso Kale & Anr v. State of Maharashtra* (2019) SC

²⁸ *G.S. Walia v. State of Punjab* (1998) 5 SCC 150

²⁹ *K. Ramachand Reddy v. Public Prosecutor* (1976) 3 SCC 104

evidence. Their significance in criminal trials, especially in homicide instances, is undeniable; nonetheless, the existing structure for their acceptance and assessment under Section 32(1) of the Indian Evidence Act of 1872 is insufficient. The current regulations inadequately tackle the practical and ethical dilemmas associated with dying statements, frequently leading to miscarriages of justice. The notion that an individual nearing death possesses no incentive to deceive underpins this theory. Nonetheless, the veracity of such assertions is sometimes undermined by elements such as the declarant's psychological condition, the circumstances surrounding the documentation of the declaration, and the absence of defined protocols. Permitting family members, medical staff, or law enforcement officers to record these statements is fundamentally incorrect. These individuals, despite their good intentions, lack the requisite training and objectivity to guarantee authenticity, rendering claims susceptible to coercion, bias, or plain distortion.

I believe that only judicial magistrates should be responsible for documenting dying declarations. Their training and objectivity render them the most appropriate authority to document these claims while maintaining fairness and credibility. Moreover, convictions founded exclusively on deathbed declarations, particularly in the absence of corroborative evidence, are exceedingly contentious. Judicial bodies must exercise caution, as excessive dependence on unproven assertions jeopardizes the tenets of natural justice and may lead to unjust convictions. The existing methodology, which emphasizes the sanctity of these pronouncements above their evidential integrity, is antiquated. It is essential to modernize the process by using technical instruments such as video recordings to improve transparency and precision. Furthermore, courts must transition from uncritical adherence to tradition and prioritize evidence-based verification to guarantee that justice is both administered and perceived as being administered.

In conclusion, I firmly believe that dying declarations, although significant, require meticulous handling and examination. Implementing defined norms, restricting the authority to document them to judicial magistrates, and requiring confirmation are crucial measures for ensuring fairness. In order to reflect the realities of contemporary legal systems and preserve the dual objectives of justice, protecting the rights of the accused and protecting victims, it is essential that lawmakers and the judiciary revise this provision.