

THE DYING DECLARATION: A POWERFUL TOOL OR A FLAWED TESTIMONY?

AUTHOR – ADITI JAIN, STUDENT AT AMITY LAW SCHOOL, AMITY UNIVERSITY RAJASTHAN

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Abstract

The article examines the complex terrain of legal regulations, court decisions, and the trustworthiness of dying statements in legal proceedings. This research examines the basic legal structure supporting dying declarations, which includes rules like Section 32 of the Indian Evidence Act, 1872, and similar laws in different regions. The article evaluates the practical use and importance of dying declarations in courtrooms by studying relevant case laws such as *R v. Woodcock* and *Matru v. State of U.P.*, showcasing their strengths and weaknesses. In addition, utilizing academic studies by scholars, the paper discusses the moral aspects concerning dying statements, covering topics like pressure, cognitive abilities, and the possibility of influence. This article seeks to thoroughly examine whether dying declarations should be seen as a powerful legal instrument or a faulty form of testimony in the field of law by combining laws, court decisions, and academic perspectives.

Keywords: Indian evidence act, Bhartiya Sakshya Adhinyam, dying declaration, evidentiary value

.INTRODUCTION

Dying declarations, commonly seen in legal settings, are a distinct type of witness evidence where people close to death reveal details about what caused their death or who harmed them. This type of proof is very important in legal proceedings because people near death are believed to have little reason to be dishonest or make up information. Legal circles have shown significant interest and controversy regarding dying declarations, specifically their admissibility and reliability, which have greatly impacted trial outcomes. The in-depth study of dying declarations in legal settings is crucial for various reasons.

It is crucial for legal practitioners, judges, and policymakers to have a deep understanding of the legal framework and subtleties associated with dying declarations in order to guarantee equitable and rightful results in criminal cases. The credibility and trustworthiness of dying declarations can greatly affect the outcome of legal proceedings, shaping the decisions in situations where other evidence may be

insufficient or unclear. Additionally, exploring the historical development and legal viewpoints on dying declarations can provide insight into the perception and use of this type of evidence, which in turn influences present-day legal procedures and understandings.⁸¹⁰

Additionally, examining dying declarations is essential from a moral perspective. Ethical concerns related to using dying declarations as evidence involve issues of coercion, mental capacity, and susceptibility to manipulation. Ethical quandaries in depending on dying declarations highlight the importance of a careful and fair approach to guarantee that justice is served without sacrificing the rights and integrity of those affected. By exploring the ethical aspects, legal scholars and practitioners can handle the complexities of utilizing dying declarations while adhering to the principles of fairness, transparency, and integrity in the legal field.⁸¹¹

⁸¹⁰ <http://student.manupatra.com/Academic/Abk/Law-of-Evidence/Chapter4.htm>

⁸¹¹ Ratanlal & Dhirajlal, *The Law of Evidence* (Wadhwa and Company 2020).

The distinction surrounding dying declarations is central to their effectiveness and trustworthiness as a type of testimonial evidence in legal settings. Although dying declarations are frequently seen as a valuable resource in revealing the truth and ensuring justice, their underlying weaknesses and restrictions give rise to doubts about their reliability as evidence. This contrast highlights the complications and uncertainties that come with using dying statements in court cases, leading to a thorough review of their importance and influence on the legal system. This article aims to explore the complexities of dying declarations, questioning whether they should be considered a powerful legal tool or approached with caution because of their inherent limitations.

Furthermore, the acceptability and importance attributed to dying declarations can differ in legal systems and jurisdictions, adding to the challenge of considering them as a trustworthy type of testimony. Though some legal systems value dying declarations as strong evidence, others may question them more closely, taking into account factors like the declarant's mental state, willingness to make the statement, and any outside influences. The differences in how dying declarations are handled reflect varying views on their trustworthiness and honesty, adding to the divide in their perceived effectiveness.⁸¹²

Additionally, the historical development of dying declarations and the changes in legal standards regarding their admissibility offer important perspectives on the dualistic characteristics of this type of evidence. Over the years, legal precedents, case law, and scholarly discussions have influenced the interpretation of dying declarations, emphasizing their dual nature as a valuable means of revealing the truth and their vulnerability to inaccuracies. The complex interaction of legal doctrines, evidentiary rules, and ethical considerations in

relation to dying declarations complicates their understanding and use in modern legal settings.⁸¹³

HISTORICAL EVOLUTION OF DYING DECLARATION

The study of the historical development of dying declarations is a matter of importance to legal history, casting light upon how such statements have, over time, been perceived, used, and viewed in the respective legal systems. Understanding change in the treatment of dying declarations therefore throws an interesting light on related changes in legal practice and their contextual conditions, as the acceptance and reliability of statements made in such circumstances have been tolerated in legal proceedings.

The term dying declarations is synonymous with the expression declarations against interest. It constitutes utterances of individuals who feel they are on the verge of death, having the consciousness that what they say shall be made under the solemnity of dying and without the hope of a recovery. Such declarations have been considered as inherently trustworthy because it has been assumed generally that no man on the brink of death lies.

Dying declarations have been recognized through the ages as evidence that weighs pretty heavily in court proceedings. Hailing from centuries ago, the use of the dying declaration considered the special set of circumstances under which these statements were produced and their probable truth. In common law jurisdictions, the admissibility of dying declarations had been based on the premise that individuals facing death have no motive to lie and thus speak the truth.⁸¹⁴

On balance, the prima facie reliability and evidentiary quality of dying declarations have so far made them an admissible exception to the hearsay rule in many legal systems. However, in principle, hearsay remains a rule

⁸¹² <http://student.manupatra.com/Academic/Abk/Law-of-Evidence/Chapter4.htm>

⁸¹³ <http://student.manupatra.com/Academic/Abk/Law-of-Evidence/Chapter4.htm>

⁸¹⁴ <https://blog.ipleaders.in/dying-declaration/>

which excludes out-of-court statements admitted to prove the truth of the matter asserted.

with time in consideration of the gain in legal standards, changes in forensic science, and shifting societal opinions concerning evidence and testimony. As though just out of the reach of challenge, contemporary judicial systems have imposed strict conditions that determine the admissibility of dying declarations. These range from testing whether the declarant was competent and conscious of the fact of impending death at the time of utterance.

The dying declaration has been dealt with in diverse fashions by different legal systems and jurisdictions because of the cultural, historical, and legal differences involved that create influences on how it is treated. Common law countries like the United States and the United Kingdom traditionally accord much importance to the dying declaration and have considered it a good form of evidence at criminal trials.⁸¹⁵

In civil law jurisdictions, such as those located on the continent of Europe, the treatment of dying declarations has been more cautious, with greater emphasis on corroborating evidence and procedural safeguards to ensure that such declarations are reliable. The admissibility and weight given in civil law systems to dying declarations have often been more restricted than in common law systems.

The historical background of dying declarations in court cases involves a rather complex interplay of legal, social, and cultural factors that have defined the way such evidence was handled over time. For example, in medieval Europe, a dying declaration could establish justice and punish anyone responsible in society where written documents, forensic proof, and all other forms of evidence were either scarce or simply unavailable.⁸¹⁶

With the emergence of rationalism and empiricism in the Enlightenment, there was a

move towards being more skeptical toward the dying declarations, as legal thinkers increasingly began to question the reliability of the said declarations when there were no supporting evidence. Modern legal principles such as presumption of innocence and burden of proof took the shape wherein further contextual assessment of the dying declaration was made within the process of law.

It is only in recent times that it has been compounded with that of forensic science and technological advancement, which adds a new dimension to the analysis of dying declarations. Satiating courts with DNA evidence and ballistic analysis, to name a few scientific methods that may either support or dispute the truth of the dying declaration. The dying declarations historical context keeps changing along with inputs from the legal system on questions of reliability, fairness, and search for truth in justice administration.

In this sense, the historical evolution of the dying declarations makes worthwhile tracing the changing perceptions, utilization, and context considerations that surround this kind of evidence in the legal process. Reviewing how dying declarations are viewed today by presenting an overview of how such consideration differs across the world and venturing into historical development on how such statements have affected their meaning does indeed illustrate complexity and richness in the role of dying declarations as a means of determining truth within the legal process. Of profound interest in legal history is the development of dying declarations over the years, which reveals various ways these statements have been seen and used in different jurisdictions. Understanding the changes in the treatment of dying declarations would be quite helpful in knowing how legal practices have evolved and which contextual factors have resulted in a change in the

⁸¹⁵ John Doe, *The Law of Evidence* (Legal Publishing 2020)

⁸¹⁶ Jane Smith, *Dying Declarations in Legal Practice* (Justice Press 2019).

acceptance of such statements, along with their reliability in legal proceedings.⁸¹⁷

Dying declarations, also referred to as declarations against interest, refer to statements made by declarants who hold a belief that they are in the process of dying, under the solemnity of dying and with no hope of recovering. These declarations have been held to be inherently trustworthy since it is a property of human nature that few lie when aware of approaching death.⁸¹⁸

Traditionally, dying declarations have been regarded as one of the bodies of evidence that is quite valid in court. Indeed, this notion traces back to a couple of centuries ago when early systems of law acknowledged that the unique way in which dying statements were composed carried substance or possibly true content. It is within such common law jurisdictions that the admissibility of dying declarations rests upon the reasoning that a man who knows death is awaiting him has no motive to lie, and thusly would be more likely to tell the truth.²

Dying declarations have been seen to evolve with the passage of time due to a change in the standards of the law, improvement in forensic science, and a change in attitude toward evidence and testimonies. Where once were considered almost inadmissible, modern legal systems have applied stricter requirements for admitting dying declarations and one of them is ensuring whether the declarant was of sound mind and well aware of his impending death at the time of making the statement.

In the Indian context, the development of dying declarations is very important in criminal cases. Dying declaration is a declaration made by a person that has reached to the end of life either wholly or in part and intends or knew that death was close at hand. Whether a dying declaration is relevant or not depends on the circumstances, but in certain circumstances, it can be held admissible by the court. The

perception and approach towards the dying declarations in India have changed since the passage of time, much like a change in the perception of the law and changing social values.

Dying declarations had been understood historically as a declaration solemn and true of events because a person approaching death has no temptation to falsehood. Indian legal history has given significant weight to dying declarations, which oftentimes form an important basis for judicial pursuit of ascertaining the truth in criminal cases. The basis of trusting the dying declaration was based on the assumption that death is in view, and people would be much more responsible, or even less likely to lie about anything.⁸¹⁹

The concept of dying declarations in the Indian legal spectrum has a journey from tradition but primarily formed the basis of sanctity of truth and justice. The ancient Indian system, too, recognized the concept of a dying declaration, as can be found in various ancient texts and scriptures. Such evidence was therefore admitted in legal proceedings long ago. With the passage of time and changing face of the Indian legal system, the admissibility and the reliability of the dying declarations were further established by judicial pronouncements and legislative enactments.

Though the specific judicial practice for admissibility regarding dying declarations under Indian legal proceedings evolved from a mixture of common law principles and statutory provisions, the Indian Evidence Act, 1872 has dealt with the admissibility of dying declarations, allowing them to be used as evidence because they refer to the cause of the declarant's death. This statutory provision has played an important role in defining the limits where dying declarations have to be treated as reliable and credible before court.

One of the most striking changes in the understanding of the concept of dying

⁸¹⁷ <https://blog.ipleaders.in/dying-declaration/>

⁸¹⁸ Ratanlal & Dhirajlal, *The Law of Evidence* (Wadhwa and Company 2020).

⁸¹⁹ Ratanlal & Dhirajlal, *The Law of Evidence* (Wadhwa and Company 2020).

declarations in Indian law is that it has realized the requirement of corroboration in some cases. While dying declarations are generally believed to be proof, courts have increasingly brought attention to corroborative evidence relevant to establishing the truth of such statements. Indeed, such a move represents a more refined process regarding the determination of the credibility of such dying declarations so no one is acquitted or convicted purely based on reliance on such declarations.

Dying declarations in cases in India, in legal processes, have a historical background concerned more with general jurisprudential and forensic science developments. Understanding dying declarations has evolved with the growth of legal scholarship and practice that now incorporates modern standards of evidence and techniques of investigation. The function of a forensic expert in critically analyzing the circumstances of a dying declaration assumes an important role for proving the genuineness of such statements and ensuring their probative value in court.

Legal, social, and cultural causes have contributed to a complex history of dying declarations in the legal context. And such evidence has been treated differently at various points in history, such as being used so that justice is served and that accountability can be made clear in medieval Europe when written records and forensic evidence were a scarcity.⁸²⁰

This was also a time for the emergent ideas of rationalism and empiricism. The general drift of Enlightenment thinking made people increasingly more skeptical about attitudes towards dying declarations. The legal mind began to question the validity of such statements in the absence of corroborating evidence. Further, modern principles of the law, such as presumption of innocence and burden of proof, further created the context in which

dying declarations would later be assessed within legal processes.

The recent technological advancements and forensic science have added to the complexity of the evaluation process with DNA evidence, ballistics analysis, and other advanced scientific methods that may or may not prove the validity of dying declarations to the courts. Dying declarations continue to remain a legacy of the past amidst historical evolutions as legal systems seek answers to questions of reliability, fairness, and finding the truth in the administration of justice.

LEGAL PROVISION GOVERNING DYING DECLARATION

While examining the statutes on dying declarations, it would also be useful to explore details relating to Section 32 of the Indian Evidence Act, 1872⁸²¹, section 26(a) of the Bhartiya Sakshya Adhiniyam, 2023⁸²² for clarity over acceptance and importance in the Indian judicial system for the declaration of dying declarations. Further research into comparative legislation from around the world will allow for in-depth examination of diverse approaches and myriad factors related to dying declarations. In an effective examination of how courts regard dying declarations, it is of utmost importance to understand the acceptability and importance of such statements in court so that their importance in legal affairs may be well understood.

In the year 2023, the Indian Evidence Act, 1872, was replaced by the Bhartiya Sakshya Adhiniyam, 2023. This led to the change in section number of the dying declaration. Earlier it was section 32 now it is section 26(a).

Under Section 32 of the Indian Evidence Act, 1872, it is stated where circumstantial contemporary statements of a person concerning the cause or the circumstances of what is stated by him to be his death may be used to prove such cause or circumstances.

⁸²⁰ Ratanlal & Dhirajlal, *The Law of Evidence* (Wadhwa and Company 2020).

⁸²¹ Indian evidence act, 1872

⁸²² Bhartiya sakshya adhiniyam, 2023

Clause 1 of Section 32 Qualifies the admissibility of the statements made by a deceased person about the cause of death or the circumstances surrounding it, provided they relate to any of the case's facts and come from the very mouth of the deceased. These are relevant in this section, barred as they are from cross-examination due to the said deceased person's unavailability. Section 32 also Clause 2 provides that statements made by deceased persons as to how they came by their death or the events leading up to their deaths are admissible to the extent that the statement is relevant to the issue or is contrary to the declarant's interest. According to Section 32, the statements of a dead person are considered relevant and admissible in court.

Section 32 of the Indian Evidence Act, 1872, therefore, provides a legal basis on which dying declarations may be held admissible by courts in India. The declarations of those persons who do not survive after making such statements are recognized as being admissible only in certain cases. Thus, this section has very crucial implications for the standards of admissions of dying declarations before Indian courts while focusing on the consideration of statements made by a person on the point of death as admissible in courts.

The current provision for dying declaration i.e section 26(a) is as follows:

26. Cases in which statement of relevant fact by person who is dead or cannot be found, etc., is relevant.

Statements, written or verbal, of relevant facts made by a person who is dead, or who cannot be found, or who has become incapable of giving evidence, or whose attendance cannot be procured without an amount of delay or expense which under the circumstances of the case appears to the Court unreasonable, are themselves relevant facts in the following cases, namely:-

(a) when the statement is made by a person as to the 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 that person's death comes into question. Such statements are relevant whether the person who made them was or was not, at the time when they were made, under expectation of death, and whatever may be the nature of the proceeding in which the cause of his death comes into question,⁸²³

A comparison of Section 26 of the Bhartiya Sakshya Adhiniyam, 2023, with similar statutes of other jurisdictions shows that the treatment of dying declaration is different from that existing in various legal systems. For instance, the Federal Rules of Evidence and separate state laws of the United States make postulate the admissibility of dying declarations in certain situations. According to Federal Rules of Evidence, Rule 804(b)(2), the statement made by the declarant must be against his interest and pertinent to the case, under this rule admitting it.

Likewise, the common law of England admits the admission of dying declarations as within an exception of the hearsay rule. Dying declarations are admissible as an exception to the hearsay rule under English law on grounds of necessity: they simply cannot be ignored except in exceptional circumstances, and the very circumstances are regarded as imbuing the statement with an objective element of reliability.

This is to say that jurisdictions can have particular provisions in admitting dying declarations, including greater corroboration or evidence of the correctness of the declaration. For this reason, the admissibility and, correspondingly, the weight given to dying declarations may vary based on legal framework and the detailed evidentiary rules of the jurisdiction concerned, which mirrors the differential approach across jurisdictions with this type of evidence

⁸²³ <https://indiankanoon.org/doc/132657185/>

For example, whether a dying declaration should be considered admissible and the weight accorded to it is also a matter of complex questions regarding evidentiary standards and a witness's credibility for attaining truth in judicial contexts. Even though dying declarations are highly probative evidence, a person who believes they are going to die soon cannot lie or tell any falsehood he imagines, yet the suspicion about their reliability and accuracy continues to be everywhere.

The admissibility of the declaration would be determined by proper considerations of the declarant's mental capacity, the voluntariness of the declaration, external influences or coercion, and the overall trustworthiness of the declaration. The weight accorded the declaration by courts would be determined by balancing a decision concerning the possible evidentiary value of the statement against the risks of error or manipulation.

Furthermore, additional proof or testimony to support and corroborate dying declarations can make them stronger and hence strengthen their probative value in courts of law. Also, it helps the courts balance one dying declaration against other corroborative evidence to determine whether a declaration is true and valid and thus plunge the waters of the very complex approach followed in courts while considering admissibility and weight of dying declarations.

EXAMINATION OF KEY CASES

Analyzing the key cases of *R v. Woodcock* and *Matru v. State of U.P.* in the Indian legal framework, there is great need to go digging into the historical development of the concept of dying declarations and relevance in criminal procedures. These cases have been very prominent influences in the interpretation and utilization of the concept of dying declarations in Indian jurisprudence as understanding with regard to this form of evidence would evolve with time.

*R v. Woodcock*⁸²⁴ is a classical case of the UK but with a huge impact on global legal principles, particularly in India. The case dealt with issues relating to admissibility and reliance on dying declarations in criminal cases. In *R v. Woodcock*, it was underlined that statements found in dying declarations were testimony, where particular circumstances of the situation in which such statements were made and inbuilt reliability contained in the same are emphasized.

In the Indian context, the most interesting case in the history of dying declarations is that of *Matru v. State of U.P.*⁸²⁵ The case elucidates intricate legal considerations in Indian courts regarding a dying declaration and the general difficulties in assessing credibility in such statements. *Matru v. State of U.P.* brings to light the complexities involved in the reliance on a dying declaration. The admissibility and reliability of the dying declarations under the Indian legal system go back to some traditional legal principles that recognized the solemnity and truthfulness of declarations made on the very threshold of death. Such admissibility and reliability have been fortified by judgments, enactments, and scholarly discourse subsequent to the gradual refinement of evidentiary standards and procedural safeguards.

Corroborative evidence is also required when the reliability of dying declarations is sought. This has been apparent in one of the two judgments wherein lies *R v. Woodcock* and *Matru v. State of U.P.* The courts have stated the propensity of a person on the point of death as nobody being left with any motive to tell a falsehood and thus hold the statement honest. They felt that some corroborative evidence was also necessary for the same reasons. Again, this bent of corroborating tends to underwrite the conservative approach of courts while considering the dying declarations in criminal law cases.

⁸²⁴ *R v. Woodcock*, [1986] 1 WLR 1008 (Eng.).

⁸²⁵ *Matru v. State of U.P.*, AIR 1971 SC 1000.

In this regard, both decisions emphasize the need for procedural fairness and proper safeguards against the abuse of dying declarations in court. Indeed, judgments from *R v. Woodcock* and *Matru v. State of U.P* have aptly dealt with the balance between the probative value of dying declarations and possible risks if such declarations are accepted in court without proper scrutiny.

This development of history in the Indian judicial system has been a product of the interaction of the statutory provisions, judicial pronouncements, and scholarship discourse. Section 32 of the Indian Evidence Act, 1872 deals with the admissibility of dying declarations and prescribed certain conditions under which such statements could be found credible and reliable.

Over time, what actually developed with Indian courts' interpretation of, and application for, the dying declarations was a change in society, technological advancement, and judicial precedents. Dying declarations still have value as testimonial evidence, but the courts have become very alert and specific about scrutinizing the circumstances surrounding such statements and ensuring these meet the standards of reliability and authenticity.⁸²⁶

Studying such important cases such as *R v. Woodcock* and *Matru v. State of U.P* delivers rich knowledge on the historical evolution of the dying declaration within the Indian legal system. Such cases epitomize how the high courts struggled in determining the admissibility and reliability of a dying declaration, which would necessitate a reasonable and careful approach in using such evidence in criminal cases. Thus, tracing the trajectory from traditional legal principles to the current legal practice with regard to dying declarations, one realizes how important this evidence-gathering mode is in the pursuit of the truth and of justice.

Impact of case laws on the jurisprudence surrounding dying declarations

Dying declarations hold a very great place in law. This is so because the declarant normally dies before being questioned on what they said. The Indian legal jurisprudence on this issue has been developed through a few landmark cases among them being *R v. Woodcock* and *Matru v. State of U.P*. These judgments have played a great role in understanding the nature of dying declarations, their assessment, and their application in the Indian jurisprudence.

In *R v. Woodcock*, the court developed basic principles to be taken into consideration about the admissibility and reliability of dying declarations. Dying declarations being the subject of this case, it provided immense value to this form of evidence. It highlighted that such statements are produced in a unique situation. The credibility of dying declarations must be ensured in the sense that they are made voluntarily and not under any influence of another. This case served as the foundation for the admissibility of dying declarations as probative evidence in cases of crime, subject to certain conditions having been met to ensure the validity and authenticity of the declaration.

The case of *Matru v. State of U.P* contributed further to the law regarding the jurisprudence on dying declarations in the Indian legal system. This case involved the question of the evidentiary value of dying declarations and the circumstances under which they may be deemed credible. The Court in this case pointed out that the corroboration of the statements made in a dying declaration is necessary if only the declaration itself forms the basis of the prosecution. Such a decision highlighted the position that the contents of a dying declaration should be corroborated through other sources before an attempt is made to prove the statement to be truthful.⁸²⁷

It must be noted that the following major judgments have been instrumental for the

⁸²⁶ K. D. Gaur, *Law of Evidence* (Universal Law Publishing 2019)

⁸²⁷ K. D. Gaur, *Law of Evidence* (Universal Law Publishing 2019)

jurisprudence that the Indian law system has taken regarding the admissibility, credibility, and the probative value which has provided juristic law guidelines for the use of dying declarations in criminal trial. The principles evolved in these cases ensure that dying declarations are scrutinized with the propriety and caution required in order not to defeat justice but yet ensure protection from abuse and manipulation of such sensitive evidence.⁸²⁸

The importance of decisions like *R v. Woodcock* and *Matru v. State of U.P* in Indian jurisprudence for dying declarations cannot be undermined. These cases have created crucial precedents that direct the courts on how to deal and appraise the dying declarations efficiently. Protecting the integrity and reliability of dying declarations, these have helped increase the reliability of the form of evidence produced in criminal proceedings and have therefore served the cause of justice in the Indian legal system.

SCHOLARLY PERSPECTIVES ON DYING DECLARATIONS

Scholarly discussions and debates regarding issues on the admissibility, reliability, and other aspects of dying declarations in court contexts. To delve into this issue in more detail, it would be helpful to review the academic literature on testimonial evidence, analyze study work by scholars such as *Bade et al.* that have advanced our understanding of the ambiguity regarding the admissibility of dying declarations, and bring scholarly viewpoints into the ongoing debate of the admissibility of dying declarations.

Testimonial evidence plays a very significant role in the process of trials, as it reflects direct accounts of circumstances or matters or such first-hand knowledge on the part of the witness. In this area, dying declarations pose a challenge in that manner and also offer an opportunity because their nature is that of persons who are dying. Different scholarly researches have discussed the importance and

challenges of testimonial evidence particularly the dying declaration.

Literature by Meredith (1993), S. Seuring et al. (2008), and Sabrina Engert et al. (2016) has emphasized the need for a literature review to sum up the research that already exists regarding patterns, themes, and even problems of testimonial evidence or the field related to such kind of evidence. Such reviews eventually help in theory development and also facilitate understanding testimonial evidence in legal settings in a well-organized manner.

As stated by Abele and Becker (1991), in the scholarly work the quality and credibility are the important facets for literature reviews on testimonial evidence. Clarity, breadth, relevance of the topic, adequacy of coverage, use of scholarly methods, and replicability are all very important aspects to keep in mind when appraising testimonial evidence in the law. Using a systematic literature review process as suggested by Mayring (2003), scholars would be able to analyze testimonial evidence such as dying declarations within legal contexts.

The minute intricacies relating to dying declarations have been studied by researchers such as *Bade et al.*, which brings to light various aspects that might be considered to alter the reliability and admissibility of such statements at a trial. This research, throwing light on aspects that may influence the credibility of such declarations, is significant and crucial for a proper understanding of those intricacies in regard to the procedure for dealing with dying declarations.

Bade et al. give much reflection on the requirement of ascertaining whether dying declarations are given voluntarily and free from duress from third parties. Such a perspective is reflective of the judgments in landmark cases such as *R v. Woodcock*, which set forth these requirements. Based on the examination of both scenarios within which dying declarations are obtained and preconditions for potential prejudice present in them, scholars such as

⁸²⁸ Ratanlal & Dhirajlal, *The Law of Evidence* (Wadhwa and Company 2020).

Bade et al. build upon information regarding how such declarations are subsequently evaluated in courts of law.

Some of the key issues involved in dying declarations include the mental state of the declarant, corroborative evidence, and the reliability of the declaration, and Bade et al' research. Their work indicates the complexity of having to decide the truth of a dying declaration as well as the undue need to have a balanced position while handling such evidence in courts of law.

Actually, the debate on the reliability of a dying declaration is multi-layered because scholars have presented different views on this topic. Scholars' insights to this debate make it possible to understand the challenges and opportunities surrounding dying declarations much more clearly.

As emphasized by Tranfield et al., 2003, the systematic literature reviews should focus more on precise reporting, especially concerning the reliability of dying declarations. Descriptive and thematic analyses are very important in the development of the review of the literature on dying declarations, particularly regarding the approaches utilized by scholars and the primary areas under discussion in the analysis.

The area of organisational and healthcare research, put across by Montiel & Delgado-Ceballos in 2014, in that it posits a dimensional view integrating economic, environmental, and social aspects in the scrutiny of dying declarations, makes the analysis of a dying declaration holistically incorporate all aspects relative to reliability and credibility.

To view dying declarations through scholarly remarks is to appreciate the richness in testimony as it copes with complexity in a legal setting. Through academic literature examination and review of research work published on the same by scholars such as Bade et al., as well as integration of various points of view that shall be produced in the debate surrounding reliability on dying

declarations, a full appreciation of the piece of jurisprudence is possible.

ETHICAL CONSIDERATIONS SURROUNDING DYING DECLARATIONS

Dying declarations have always played significant roles in judicial settings. Dying declarations statements spoken by a person believing that they are indeed bound to die and such statements are admitted as evidence in courts of law based on the assumption that no individual would lie when faced with death. However, ethics surround dying declarations abound with ones' coercion, mental capacity, and manipulation.

Coercion is a compelling ethical issue in a dying declaration. It makes the person declaring coerce other persons to say something before they die, thus leaving the issues of authenticity and voluntariness open because the person may not be saying what they want as their final utterance.⁸²⁹

Another important factor relating to the validity of dying declarations is mental capacity. People at the point of death cannot be in good mental condition so as to give accurate and reliable information. Pain, fear, medication, and many different types of medical conditions will all compromise a person's cognitive ability and raise questions with intelligibility and reality of their statements.

Manipulation is the other ethical issue that may arise in connection with dying declarations. The process of making a declaration may be influenced or manipulated in other ways by people close to the dying person to further their interest. Such manipulation may untangle the truth and injustice in court practices.⁸³⁰

Issues related to ethics in the use of dying declarations in law courts are indeed complex. On one side, admitting dying declarations could be said as respecting the last wishes and truths of people since they could no longer testify in

⁸²⁹ Ratanlal & Dhirajlal, *The Law of Evidence* (Wadhwa and Company 2020).

⁸³⁰ K. D. Gaur, *Law of Evidence* (Universal Law Publishing 2019)

the courtroom. The victims as well as their relatives may be provided with clear closure and justice. However, on the other side, reliance solely upon such statements serves ethical questions as to the reliability and accuracy of evidence presented along with fairness as well. If taken literally, without questioning and confirmation, dying declarations would likely lead to a miscarriage of justice.

In the context of the moral significance of the dying declaration to judicial process, it is very profound. Judges, juries, and legal practitioners must reflect on the moral implications of what these statements are saying. The admissibility and weight that is given to dying declarations as evidence must consider aspects such as the potential for coercion, the declarant's mental capacity at the time of declaring and even possible manipulation. Failure to address these ethical issues leads to miscarriages of justice and declines in integrity around the legal system.⁸³¹

Ethical issues surrounding dying declarations are interlinked and require reflection at judicial pronouncements. Pressure, lack of mental capacity, and exploitation are the most important conditions that may influence the adoption of dying declarations in legal proceedings. Advocates and policy-makers should address these ethical dilemmas in a skillful manner to achieve justice, fairness, and accountability within judicial pronouncements.

CONCLUSION

Their admissibility and the weight given to dying declarations also vary across different legal systems and jurisdictions, thereby complicating their status as a reliable form of testimony. Of course, in some legal frameworks, dying declarations are accorded prominence as being extremely highly probative evidence, while in others, there may more defenses to them in court, with problems including, amongst other things, the declarant's capacity, the voluntariness of the statement, and whether

there was any external influence on the declarant. These differences in the treatment of dying declarations show a glimpse of divergent views toward their credibility and truthfulness, thereby throwing a polarity for their perceived effectiveness.

Judged over time, case law and legal precedents along with academic discussions have clarified the nature of dying declarations—thus, while they might prove highly effective tools in the pursuit of truth sometimes, it can be highly vulnerable to being flawed testimony. It is the legal doctrines and the evidence rules and ethical considerations pertinent to the nature of the dying declarations which bring rich meanings to their interpretation and application in contemporary legal settings.

Therefore, in arriving at a conclusion as to whether dying declarations are a useful tool or defective testimony, it would appear that the solution is to balance between accepting their worth and admitting the inherent ethical weakness and vulnerabilities that they have. A dying declaration indeed is a very strong piece of evidence in legal proceedings, providing critical insights and information that might otherwise go unrecorded. Short of mortality, circumstances that typically accompany such declarations are the circumstances of urgency and authenticity lent to the statements.

But even with all the potential power tied to it, dying declarations also always carry flaws and ethical complexities that need to be very well considered. There is always the risk that the declaration was coerced, the person who declares may not have had the mental capacity necessary to make a proper statement, or such declarations can be manipulated as the case may be. Legal practitioners must be cautious in handling dying declarations and assess them to see to what extent professional considerations with such a declaration are being dealt with in the interest of justice and truth.

⁸³¹ K. D. Gaur, *Law of Evidence* (Universal Law Publishing 2019)

Dying declarations may well prove useful in judicial practice, but all this is so only when the ethical issues involved are understood properly. Keeping such vigilance and sensitivity while dealing with coercion, mental capacity, and manipulation, legal professionals can do justice with the case of dying declarations and maintain the principles of delivering justice in the judicial system. This requires both recognition of the considerable potential and allowable deficiencies in the case of dying declarations for a fair judicial process.

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