

Chapter 1
Introduction

The 49th Report of the Fifth Law Commission India made a comprehensive revision of the Evidence Act. The Report was given on May 9 1972. However the Ministry of Law Justice & Co. Affairs Govt of India with the approval of the Minister by its letter D.O.No. 327395-9, dated September 26, 1995 and subsequent letter D.O.No. 1952086/95- Leg III dated 1922 June, 2001 and F.No. 711493-4C, dated 23.2.2002, requested the Law Commission of India, to review the Indian Evidence Act, 1872 once again, in as much as in the 25 years since the submission of the 49th Report, there have been further developments in the law of Evidence.

A review of the law of evidence is, it is acknowledged by one and all, one of the most formidable and challenging tasks for any Commission. The Act was drafted in 1872 by one of the most eminent jurists of the nineteenth century Sir James Stephen. In fact while dealing with sections 24 to 29 of the Act which are probably some of the crucial sections of the Act and which are applicable to criminal law, Sarkar (Law of Evidence, 15th Ed., 1999, page 534), stated, in his famous commentary that these sections could not perhaps be established by a person who was not as eminent as Sir James Stephen. The following is the relevant quotation from Sarkar:-

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“ Raise your words, not voice. It is rain that grows flowers, not thunder. ” — Rumi

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