

Relevancy of Statements Made Against Interest

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Abstract: *The exclusionary rule against hearsay constitutes a foundational pillar of evidentiary jurisprudence, premised on the inability to test out-of-court statements through cross-examination. However, rigid adherence to this rule risks defeating substantive justice in situations where direct testimony is unavailable. The doctrine of "statements made against interest" emerges as a critical exception, grounded in the twin principles of necessity and circumstantial guarantees of trustworthiness. This paper undertakes a comprehensive doctrinal and comparative analysis of the relevancy of such statements, with particular emphasis on Section 32(3) of the Indian Evidence Act, 1872.*

The study interrogates the theoretical justifications underlying admissibility, traces the historical evolution of the doctrine, and evaluates judicial interpretation in Indian courts. It further contrasts the restrictive Indian position with broader formulations in English and American law, particularly the inclusion of statements against penal interest. Through critical engagement, the paper highlights doctrinal inconsistencies, evidentiary risks, and the need for reform. It argues for a calibrated expansion of the doctrine in India, supported by safeguards ensuring reliability. The paper ultimately situates statements against interest within the broader discourse on evidentiary fairness, truth-seeking, and procedural justice..

Keywords: Statements against interest, hearsay rule, Section 32(3), evidentiary exceptions, penal interest, reliability, necessity, Indian Evidence Act

1. INTRODUCTION

The law of evidence mediates the delicate balance between procedural fairness and substantive truth. Among its most enduring doctrines is the rule against hearsay, which excludes statements made outside the courtroom when offered to prove the truth of their contents. The rationale lies in the absence of oath, cross-examination, and judicial observation of demeanor. Yet, the law simultaneously acknowledges that certain categories of hearsay possess inherent reliability, warranting their admission as exceptions.

Statements made against interest constitute one such exception. The doctrine is premised on a behavioral assumption: that a reasonable person would not make a statement adverse to their own pecuniary or proprietary interest unless it were true. This assumption transforms self-inculpatory or self-damaging declarations into a proxy for reliability.

In the Indian context, this principle finds statutory expression in Section 32(3) of the Indian Evidence Act, 1872. However, unlike its counterparts in other jurisdictions, Indian law adopts a relatively narrow approach, excluding statements against penal interest. This restrictive scope raises important doctrinal and practical questions, particularly in criminal adjudication.

This paper seeks to explore the contours, justifications, limitations, and contemporary relevance of this doctrine, while critically assessing whether the Indian legal position remains normatively and functionally adequate.

RESEARCH QUESTIONS

What are the jurisprudential foundations of admitting statements against interest?

How has Section 32(3) been interpreted and applied by Indian courts?

What conditions must be satisfied for admissibility?



How does Indian law compare with English and American evidentiary frameworks?
Should Indian law expand to include statements against penal interest?
What safeguards are necessary to prevent misuse?

RESEARCH METHODOLOGY

This research adopts a doctrinal methodology, analyzing statutory provisions, judicial precedents, and scholarly commentaries. Comparative analysis is employed to evaluate developments in English common law and the United States Federal Rules of Evidence. The study also incorporates critical and normative analysis to propose reforms.

HISTORICAL EVOLUTION OF THE DOCTRINE

The doctrine of statements against interest originated in English common law as a narrow exception to the hearsay rule. Initially, only statements against pecuniary or proprietary interest were admissible, reflecting the economic orientation of early evidentiary rules.

Over time, courts recognized that statements exposing the maker to criminal liability may carry even greater guarantees of truth. This led to gradual expansion in jurisdictions like the United States. However, English law remained cautious, and Indian law inherited this conservatism through codification in 1872.

The Indian Evidence Act, drafted by Sir James Fitzjames Stephen, codified hearsay exceptions exhaustively, thereby limiting judicial flexibility. Section 32(3) reflects this historical restraint, focusing exclusively on pecuniary and proprietary interests.

CONCEPTUAL FRAMEWORK

Meaning and Scope

A statement against interest is one which, at the time of its making, was so far contrary to the declarant's financial or proprietary interest that a reasonable person would not have made it unless believing it to be true.

Theoretical Foundations

Necessity

The doctrine applies only when the maker of the statement is unavailable (dead, missing, incapable, etc.). Without this condition, the preference remains for direct testimony.

Reliability (Circumstantial Guarantee of Trustworthiness)

The adverse nature of the statement acts as a psychological guarantee of truth. It is assumed that individuals do not voluntarily make self-damaging statements unless compelled by truth.

Self-Inculpatory Logic

The doctrine rests on a rational actor model. However, modern scholarship questions this assumption, noting that individuals may make false statements due to coercion, confusion, or ulterior motives.

STATUTORY FRAMEWORK: SECTION 32(3)

Section 32(3) provides that statements made by a person who is dead or cannot be found, which are against their pecuniary or proprietary interest, are relevant.

Essential Ingredients

Unavailability of Declarant – The maker must be dead, missing, or otherwise incapable of testifying.

Against Interest – The statement must be adverse to pecuniary or proprietary interest.

Contemporaneity – The statement must have been against interest at the time it was made.

Relevance to Issue – It must relate to facts in issue or relevant facts.



Illustrative Example

If A states that he owes money to B, and A later dies, this statement is admissible as it is against A's pecuniary interest.

JUDICIAL INTERPRETATION IN INDIA

Pakala Narayana Swami v. Emperor (1939)

The Privy Council clarified the scope of Section 32 and emphasized that statements must be closely scrutinized, particularly when used to establish liability.

Ram Rattan v. State of Rajasthan

The Supreme Court highlighted that statements against interest must be inherently reliable and not merely convenient evidence.

Analytical Observations

Courts adopt a cautious approach due to the hearsay nature.

Corroboration is often implicitly required.

The burden lies on the party relying on the statement.

COMPARATIVE ANALYSIS

English Law

English common law traditionally excluded statements against penal interest, limiting admissibility to financial matters. However, judicial developments have gradually relaxed this rigidity.

United States Law (Federal Rules of Evidence, Rule 804(b)(3))

The U.S. adopts a broader approach, admitting statements that:

expose the declarant to criminal liability,

invalidate their own claims, or

render them socially or legally disadvantaged.

Additionally, corroboration is required when such statements are used in criminal cases, enhancing reliability.

Comparative Insight

India's narrow approach reflects caution but may undermine truth discovery in criminal cases where self-inculpatory statements are highly probative.

CRITICAL ANALYSIS

Strengths

Reliability Presumption – Self-damaging statements are generally trustworthy.

Necessity-Based Admission – Prevents miscarriage of justice where witnesses are unavailable.

Doctrinal Clarity – Codification ensures predictability.

Limitations

Exclusion of Penal Interest – A major doctrinal gap in Indian law.

Risk of Fabrication – Statements may be falsely attributed to deceased persons.

Lack of Safeguards – No explicit requirement of corroboration.

Rigid Codification – Limits judicial innovation.



Critical Argument

The assumption that people do not lie against their own interest is empirically contestable. Psychological studies suggest that individuals may make false confessions under pressure, emotional distress, or manipulation.

CONTEMPORARY RELEVANCE

In modern litigation, particularly in property disputes, financial claims, and inheritance cases, statements against interest continue to play a significant role. However, in criminal law, the absence of recognition for statements against penal interest limits evidentiary completeness.

With increasing complexity in transactions and digital evidence, courts must reassess traditional assumptions about reliability.

SUGGESTIONS AND REFORMS

Inclusion of Penal Interest – Align Indian law with global standards.

Mandatory Corroboration Rule – Especially in criminal cases.

Judicial Guidelines – For assessing voluntariness and authenticity.

Contextual Evaluation – Consider surrounding circumstances of the statement.

Legislative Amendment – Update Section 32 to reflect modern realities.

II. CONCLUSION

The doctrine of statements against interest represents a nuanced exception to the hearsay rule, grounded in necessity and presumed reliability. While the Indian framework provides a structured foundation, its restrictive scope and lack of safeguards necessitate reform. A balanced expansion, incorporating statements against penal interest with appropriate checks, would enhance both fairness and truth-seeking in adjudication. Ultimately, the doctrine must evolve in tandem with contemporary evidentiary challenges to remain relevant and effective.

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