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Section|A

Probative Value of Evidence

Introduction

In the field of law, especially in court proceedings, evidence plays a very important role in deciding cases. However, not all evidence is equally important or reliable. The concept of probative value of evidence helps courts determine how useful and convincing a piece of evidence is in proving a fact.

In simple words, probative value means the ability of evidence to prove something relevant in a case. The higher the probative value, the more helpful the evidence is in reaching a correct decision.

Meaning of Probative Value

The term "probative" comes from the word "prove." Therefore, probative value refers to the strength or effectiveness of evidence in proving a fact in issue.

It answers questions like:

- **How strong is this evidence?**
- **Does it really help in proving the case?**
- **Can the court rely on it?**

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For example, an eyewitness account may have high probative value, while a rumor may have little or no probative value.

Importance of Probative Value

The concept of probative value is very important in legal proceedings because:

1. Helps in Decision Making: Judges rely on evidence with higher probative value to reach fair decisions.
2. Prevents Misuse of Evidence: Weak or misleading evidence can be ignored.
3. Ensures Justice: It ensures that only reliable and relevant evidence is considered.
4. Saves Court Time: Courts focus on strong evidence rather than unnecessary material.

Difference Between Relevance and Probative Value

Although relevance and probative value are related, they are not the same.

Relevance	Probative Value
Shows whether evidence is connected to the case	Shows how strong or convincing the evidence is
First requirement for admissibility	Second step after relevance
Evidence must be relevant to be considered	Even relevant evidence may have low probative value

Example:
A witness statement may be relevant but if the witness is unreliable, its probative value will be low.

Factors Affecting Probative Value

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Several factors determine the probative value of evidence:

1. Credibility of Witness

If a witness is honest, consistent, and reliable, the evidence has high probative value. If the witness is doubtful, the value decreases.

2. Source of Evidence

Evidence coming from a direct source (like eyewitness) has more value than indirect evidence.

3. Consistency

If evidence is consistent with other facts and evidence, its probative value increases.

4. Corroboration

When evidence is supported by other evidence, it becomes stronger.

5. Authenticity

Original and genuine evidence has higher probative value compared to fake or altered evidence.

6. Clarity and Detail

Clear and detailed evidence is more convincing than vague statements.

Types of Evidence and Their Probative Value

1. Oral Evidence

Oral statements given by witnesses in court.

- High probative value if witness is trustworthy
- Low value if witness is biased or confused

2. Documentary Evidence

Includes written documents like contracts, records, emails, etc.

- Usually strong if original and verified

3. Circumstantial Evidence

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Indirect evidence that suggests a fact.

- Can have high value if it strongly connects facts

4. Expert Evidence

Given by experts like doctors, engineers, or forensic specialists.

- High probative value if expert is qualified

5. Real Evidence

Physical objects like weapons, fingerprints, etc.

- Often very strong and convincing

Probative Value vs Prejudicial Effect

Sometimes evidence may have some probative value but may also create unfair prejudice.

- Probative Value: Helps prove a fact
- Prejudicial Effect: May mislead or unfairly influence the court

Courts try to balance both. If the prejudicial effect is greater than probative value, the evidence may be rejected.

Role of Judge in Evaluating Probative Value

The judge plays a key role in determining the probative value of evidence. The judge:

- Examines all evidence carefully
- Checks reliability and truthfulness
- Compares different pieces of evidence
- Decides which evidence to accept or reject

The judge uses experience, logic, and legal rules to assess the value of evidence.

Probative Value under Pakistani Law

In Pakistan, the Qanun-e-Shahadat Order, 1984 governs the law of evidence. Although the law does not directly define "probative value," it provides rules to determine:

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- Admissibility of evidence
- Relevance of facts
- Reliability of witnesses

Sections related to relevancy and admissibility indirectly help in determining probative value.

Examples of Probative Value

Example 1:

A person claims he saw a crime happen.

- If he was present at the scene → High probative value
- If he heard it from someone else → Low probative value

Example 2:

A signed contract is presented in court.

- If original → High probative value
- If photocopy without proof → Low probative value

Example 3:

Medical report by a qualified doctor

- Strong evidence → High probative value

Limitations of Probative Value

Despite its importance, probative value has some limitations:

1. Subjectivity: Judges may have different opinions
2. Human Error: Witnesses can make mistakes
3. False Evidence: Fake evidence may mislead
4. Bias: Personal bias may affect evaluation

Conclusion

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Probative value of evidence is a very important concept in law. It helps courts decide how strong and reliable a piece of evidence is. Not all evidence is equal, and only evidence with high probative value should be relied upon.

By carefully evaluating evidence based on credibility, consistency, and reliability, courts can ensure justice and fairness. Understanding this concept is essential for law students and legal professionals.

References

1. Qanun-e-Shahadat Order, 1984
2. Basic Principles of Law of Evidence
3. Legal textbooks and lecture notes

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