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Subject :English Jurisprudence

Assignment Topic : Probative Value of Evidence

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Probative Value of Evidence

- Introduction

Probative value means how much power a piece of evidence has to prove or disprove a fact in court . Probative value is about how useful a piece of evidence is in proving a fact that matters in a case. If evidence makes a disputed fact more or less probable, it's relevant ;its probative value is the strength of that link __ the weight or persuasiveness it carries for the fact- finder. If evidence strongly shows something is true or false, its probative value is high .

- Definition

Probative value is the tendency or capacity of evidence to prove or disprove a material fact in issue- its power to persuade a reasonable fact- finder.Courts weigh this against risks like unfair prejudice,confusion, or delay.

Under Islam

Under Qanun –e- Shahadat Order 1984, Article 3, only evidence with probative value is "relevant" and allowed . Evidence that wastes time or misleads has no probative value .

- Meaning

Probative value of evidence which is sufficiently useful to prove

something important in a trial.

- Hierarchy of Evidence Types

1. Direct Evidence

   Proves a fact without inference (eyewitness, confession, clear video)

   - High probative weight when the witness is credible ,observation was clear , and there's no bias\ motive to lie.

2. Real \ physical evidence

   Tangible objects linked to the cases (DNA, fingerprints, weapon, forensic samples)

   - Weight comes from proper collection , chain of custody , lab reliability, and direct link to the person \ event.

3. Documentary evidence

   Written\ electronic records(contracts, emails , logs, texts).

   - Weight depends on authenticity, authorship ,timing, completeness, and whether its an original \business record.

4. Demonstrative evidence

   Illustrates other evidence(maps , diagrams , reconstructions , models)

   - Not proof by itself, weight comes from accuracy , fairness, and how well it illustrates other admitted evidence.

5. Circumstantial evidence

   Facts that require inference to reach a conclusion (motive,

opportunity, presence, behavior).

- Weight builds from logical inference, convergence of multiple strands,and elimination of innocent explanations.

6. Testimonial\hearsay

Out- of- court statements reported by a witness;

- Generally low probative weight; admissible only via exceptions (e.g ., excited utterance, business record , dying declaration) , and weight hinges on necessity\ reliability safeguards.

7. Opinion \ character

Expert opinions (higher) and lay opinions\ character (lower),Expert: weight from qualifications, reliable methods , and fit to facts.

- Lay\character: limited weight; used only in narrow circumstances , credibility and relevance control admissibility.

- Legal principle

In court , not all evidence is equal. A judge only accepts evidence if it is relevant and its probative value is higher than its prejudicial effect.

- Key Factors That Decide Probative Value

Higher Probative Value	Low Probative Value
Directly proves the main issue	Only slightly related to the case

Comes from reliable source	Rumor, hearsay, guess
Witness saw it happen	Witness heard it from a friend
Recent , clear, specific	Old, vague, unclear

- Bottom line:

  Probative value is the "weight" of evidence. Higher weight= more impact on the final decision . Lawyers fight hard to bring in high- probative evidence and keep out low – probative stuff .

- Probative Value of Forensic Evidence

Why it's strong	What it means in court
Scientific method	Tested in labs, not just opinions
Objective	DNA doesn't "lie" or "forget" like a witness might
Direct link	Can directly prove "X was at the scene " or "this signature is fake"
Hard to fake	Harder to plant fingerprints vs. making up a story

- Examples of Probative Value of Evidence

1. High probative value: CCTV showing a driver running a red light directly proves the traffic violation.
2. Medium probative value : A witness who saw the accident happen helps , but human memory can be wrong.
3. Low probative value : Saying " he always drives fast " doesn't prove this accident and only makes him look bad , so court may ignore it.

- What Decides Probative Value

Factor	Easy Meaning
Relevance	Does it connect directly to the case
Reliability	Did it come from a trusted source
Direct or Circumstantial	Did someone see it, or are we guessing from clues
Prejudice vs Proof	Does it help more than it misleads the judge

- <u>Why its Matters</u>

  Only evidence with good probative value can help win or lose a case . A lawyer's job is it bring high-value evidence and attack low-value evidence from the other side.

- <u>Simple Line</u>

  Probative value =how useful and strong your evidence is stronge +fair =judge accepts. Weakor unfair=judge rejects.

- Conclusion

  Probative value is the " weight" or strength of evidence in proving a fact in court .Evidence with high probative value is relevant , reliable , and directly proves the issue , so it heavily impacts the judge's decision . Low probative value evidence is weak , indirect , or unfairly prejudicial , and is often rejected because it doesn't help find the truth.

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