

BREAKING NORMS, SHAPING PROOF

RETHINKING PRINCIPLES
AND PRACTICES

Edited by

DR. BHARTI YADAV

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PREFACE

Law, as a living discipline, evolves in response to the social, political, and technological transformations of its time. Among its many branches, evidence law occupies a particularly dynamic position. It is both the foundation upon which adjudication rests and the site where justice is tested against the complexities of fact, proof, and fairness. As societies confront new realities—be it climate change, digitalisation, or the reach of scientific techniques—the principles and practices of evidence law demand renewed scrutiny.

This book, *Breaking Norms, Shaping Proof: Rethinking Principles and Practices*, is an attempt to engage critically with contemporary evidentiary challenges. It seeks to move beyond traditional boundaries and examine how law can remain both adaptable and principled in times of rapid change. The chapters collected here traverse a wide spectrum of pressing issues, interrogating doctrinal foundations, constitutional commitments, and judicial responses.

The book opens with evidentiary challenges in climate change litigation, an emerging area that demands novel frameworks of proof across scientific and legal domains. It then turns to the digital age, exploring difficulties in proving cyber grooming and assessing the admissibility of social media evidence within the Indian legal system. These discussions highlight the tension between technological innovation and the law's quest for authenticity and reliability.

Questions of justice are equally evident in chapters examining reverse onus clauses under POCSO, the standards of circumstantial evidence, and the admissibility of illegally obtained material through search and seizure. They invite readers to reflect upon the delicate balance between prosecutorial effectiveness and the presumption of innocence—cornerstones of any fair trial system.

The book also engages with the increasing reliance on scientific methods, including forensic analysis in rape cases and the controversial practice of narco-analysis, weighing their evidentiary value against constitutional protections such as the right against self-incrimination. In a similar vein, contributions on the role of spontaneity in *res gestae*, the presumption of legitimacy of a child, and the use of DNA testing in paternity disputes underscore the friction between legal presumptions, scientific certainty, and human dignity.

The inclusion of a case comment on *Aparna Ajinkya Firodia v. Ajinkya Arun Firodia (2023)*, demonstrates the lived implications of these debates, showing

how judicial reasoning shapes and is shaped by evolving evidentiary standards.

Taken together, the chapters in this book do not merely critique existing doctrines but also chart pathways for reform and re-imagination. They reveal that evidence law, while rooted in enduring principles, must constantly reinvent itself to address new challenges without compromising constitutional guarantees and the pursuit of justice. This book serves as a resource for students, academics, practitioners, and policymakers alike—sparking reflection, debate, and innovation in the field of evidence law. By breaking conventional norms and shaping new approaches to proof, we collectively contribute to a legal system that is both rigorous in its methods and humane in its outcomes.

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