Propositions
A thorough analysis and elaborate discussion of the case law, Indian and Foreign, in the light of the clear provisions of Section 3 of the Indian Evidence Act, 1872, must place one in a position to enumerate the following propositions:

1. Despite the expression 'beyond reasonable doubt' having its origin in a fairly remote past, there appears no conscious or deliberate attempt to convey or deploy a higher standard of proof through it in the matter of establishing the facts before the Courts in that period.

2. The expression assumed importance when it came to be systematically formulated more or less in the form of a maxim, which later on turned to be a doctrine for the first time in the case of Woolmington...v...Director of Public Prosecution (1935) A.C. 462.

3. A close scrutiny of the facts and different shades of inferences possible from the decision in Woolmington's case above, do not indicate even remotely
that the expression 'proof beyond reasonable doubt' was meant for increasing or raising the standard or degree of proof. Instead, this expression came to be tagged with proposition set up by Sir Michael Foster, the earlier part of the XXX suggesting that the burden of proof for establishing a crime lay on the shoulders of the State or the prosecution, rather throughout the trial with no shifting of the burden or onus to the side of the accused and this direction was meticulously carried into the subsequent cases and followed only to the extent of emphasising on the point of burden of proof and not the standard, increased or otherwise, of proof, till it was challenged in the case of R.v.Kritz (1950) 1 K.B. 82 and R v. Summers (1952) 1 All E.R. 1059 by Lord Goddard.

4. The English Law, or say for that matter the law followed in the Common Law Countries, never compromised with the proposition that the standard or degree of - proving a fact from any end, the prosecution or the accused, was the same. In other words, exception to the offence claimed by the accused was required to be proved by the same standard or degree of proof as the prosecution in establishing the ingredients of the crime. The principles of English or Common law have remained uncodified for a long period and it is only on the strength of the interpretation adopted in the relevant cases, the principle of benefit of reasonable doubt has been recognised. The result of the interpretation that
by virtue of the adoption and application of the phrase 'beyond reasonable doubt' standards of proof more than one emerge, has given rise to a further standard, a third standard, particularly in America, thereby creating scope for adopting various and numerous standards of proof according to the nature of the case or the proceedings in which issues, civil or criminal, arose.

5. English or Common Law prevalent in England and other countries was in a fluid state prior to the pronouncement in Woolmington's case in the year 1935, The Law of Evidence prescribed and brought into force in India through the Indian Evidence Act, 1872, appeared on the scene long before the decision in Woolmington's case.

6. The Indian Courts were found in difficulty while interpreting some of the provisions embedded in Chapter VII of the Evidence Act, and in practice there is a non-recognition or derecognition of the principles of Common Law. For example, while disposing of the matters in the case of Farbhoo and other...v...Emperor, A.I.R.1941 Allahabad, 402, and Government of Bombay...v...Sakur, A.I.R. 1947 Bombay, 38, the exception the accused was required to prove was allowed to be accommodated by applying a lower standard of proof lesser than the standard expressed as 'proof beyond reasonable doubt'.
7. On occasions more than one, Indian Courts, as in the above two cases, while accepting in principle that the principles of uncodified English Law or the Common law were not applicable, did not find it necessary to confront themselves with the problem whether in India more than one standards of proof could prevail under the codified law of Evidence. In the passing, as is observed in Government of Bombay v. Sakur, A.I.R.1947 Bombay, 38, the standard adopted through the Indian Evidence Act, 1872, was held and deemed to be lower than the standard recognised in the Common Law countries in the matter of proving the guilt in a criminal case. The problem came to be touched only from the peripheral ends.

8. Interestingly, despite the practice of holding a trial with the assistance of Jury in India also, there appears no reported case bearing resemblance to even an outline of the facts involved in Woolmington's case. Besides, there arose no occasion for charging a Jury expressly or by implication that the accused had to share the burden at some stage or the other during the trial in the matter of proving the offence.

9. No Judge presiding Indian Courts, appears to have been prejudiced with the conception based on the view propounded by Sir Michael Foster as to be vulnerable to the criticism that the Jurymen were not placed in a position to proceed with the belief that the entire burden
was on the prosecution.

10. The Indian Evidence Act, through Sections 101 to 114, without making any distinction between the 'evidentiary burden' and 'legal burden', in clear terms sets out the manner in which the burden has to be carried or discharged by the prosecution. Shortly, the error spotted in Woolmington's case could not have and has not, been committed by the Indian Judges in this respect. The Indian Courts prior to 1935, were never confused; nor was the Jury likely to be confused by them while being charged. The concept of 'burden of proof' was crystal clear to them; so also about the quality and quantum of the proof - necessary for the purpose.

11. The non-applicability of the doctrine of 'benefit of reasonable doubt' was convincingly discussed and set out by the English Judge Woodroffe J., in D. Weston and others v. Peary Mohum Das, A.I.R. 1914 Calcutta, 396; the view supporting that long before the recognition of doctrine in Woolmington's case, the Courts in India had held the same to be inapplicable and inappropriate, both.

12. The view held by the Indian Courts, right from the year 1912 or 1914, has been based on a very sound footing of the clear provisions of the law fixing a particular standard of proof to be adopted and applied in Indian Courts through the three definitions of 'proved',
'disproved' and 'not proved' incorporated in Section 3 of the Indian Evidence Act. All the decisions of the Courts in England and the Common Law countries and also the United States of America, shall have to be treated as foreign, particularly after the attainment of freedom and in any case due to the enforcement of the Indian Constitution on the 26th of January 1950; they do not have a direct bearing, much less a binding effect on the interpretation of the Law of Evidence in India.

13. Erroneous and imperfect pronouncement and understanding of the doctrine at times missing the very essence of it contained in the word 'reasonable' has led to inaccurate and unsatisfactory application of the doctrine frustrating the very course and method of justice in India.

14. The students of law in India are not expected to learn this doctrine of benefit of reasonable doubt for acquainting themselves with the precise Law of Evidence applicable in India. It is only through the precedents deploying this foreign principle while applying the provisions of Indian Evidence Act, the students as well as the Courts are compelled to imbibe it. Therefore, the confusion.

15. The right interpretation of the provisions of Section 3 of the Indian Evidence Act, which set the
standard or degree of proof, shall have to be made
unprejudiced by the doctrine, which itself was once
outlawed in England, chiefly for the reason that it was
incapable of being explained to the Jury. The error in
instructing oneself on the point cannot be ruled out,
therefore.

16. Sufficient safeguard in determining the
standard of proof can be found in Section 3 of the Indian
Evidence Act, 1872, through the two alternative tests;
one, about formulating the belief by the Court about the
existence of a fact after considering the matters before
it and secondly, a prudent man considering the existence
of a fact so probable under the circumstances of the case
as to act upon the supposition that it exists. In other
words, for India we have quite a different but very
reasonable standard of proof prescribed through the
provisions of Section 3 of the Act.

17. There is no point in saying that the Indian
Evidence Act is a replica or an organised compilation
since of the English Common Law; and the reasoning that/there
are different sections provided to be applied distinctly
for civil and criminal cases in the act, there is
-justification for presuming two different standards of
proof, has no convincing base.

18. The possibility of attributing at least a
sizeable number of acquittal being recorded by our Courts since the introduction of the doctrine of BENEFIT OF REASONABLE DOUBT and its misapplication cannot be easily ruled out.

19. It is unjust to hold or treat that the doctrine of BENEFIT OF REASONABLE DOUBT is a concession, the accused is entitled to in a criminal case over and above the reasonable interpretation of the provisions of Section 3 of the Indian Evidence Act, 1872.

20. The fear, if any, arising out of non-application and deletion of the doctrine of BENEFIT OF REASONABLE DOUBT from the theory of the Law of Evidence in India that it may adversely affect the quality of criminal justice in India, is again unfounded; the standard of proof contained in the three phrases 'proved', 'disproved' and 'not proved' incorporated in Section 3 of the Indian Evidence Act, when applied to the well scanned evidence through the different provisions of the Indian Evidence Act including the ones under Chapter VII is adequate enough to keep the scales of justice even between the victim and the accused discouraging and preventing inappropriate weighing and assessment of evidence leading to injustice and loss of confidence of the common man in the very system of justice.
21. There is no scope to, and also no point, in disregarding the standard of proof prescribed by the statute under section 3 of the Indian Evidence Act, 1872. The interpretation of the Code through English and American cases in itself is improper. Besides the provisions of the Code on the point are unambiguous prescribing only one standard of proof for all the cases, civil, criminal and miscellaneous, which shall have to be accepted and applied in observance of the discipline of the Code.

22. The criticism, if at all any, to such a standard prescribed under the Evidence Act would be that it is not that high a standard when compared with the standard presented by the principle PROOF BEYOND REASONABLE DOUBT. But it is suitable to Indian conditions for reasons more than one; and even if it is found to be a lower — standard, the remedy lies in introducing a suitable amendment in the Code and not by stretching the meaning of the phrases PROVED, DISPROVED and NOT PROVED unreasonably.

23. Examined from the angle of retributive justice and the feelings and the rights of the victims, no discrimination in the matter of assessment of evidence can be allowed to be exercised in favour of either, through mere interpretation of the Code.

24. Conditioning of the mind of Judge by and with the doctrine of BENEFIT OF REASONABLE DOUBT is likely to
prevent a free approach and thus an unprejudiced choice of the right kind of probability in deciding or recording a finding under the circumstances of that case.

25. The very base of the doctrine that the State being a powerful organ may resort to third degree methods in extracting confessions etc from the accused is fast losing ground with the safeguarding of the interest of the accused right from the stage of investigation through direct and indirect means like free legal aid etc.

26. The practice of not investigating the crime afresh after an accused is extended the benefit of doubt leads to dissatisfaction of the victim which may provoke and encourage the victim to resort to alternative means of retribution, thus, creating disharmony inviting violence.

27. If at all the doctrine of BENEFIT OF REASONABLE DOUBT is to be accommodated under the Indian Evidence Act, amendment in the corresponding Penal Law as to reduce the rigors of the sentence or punishment alone would achieve a proper balance. Such a process of balancing the higher standard against a punishment of a lower degree can appropriately be adopted only at the appellate stage.

28. Shortly, the doctrine of BENEFIT OF REASONABLE DOUBT and its application to India deserves to be seriously reconsidered from various angles before the law on the point is reset.