

1. Introduction:

Dying declarations are one of the most important pieces of evidence. They have been dealt with in Article 46 of the Qanun-e-Shahadat Order, 1984 in Pakistan and Section 32 of the Indian Evidence Act, 1872. These provisions are similar. For this reason, there is no much difference in the legal consequences of the both. The courts in the both countries have consistently pronounced that dying declarations may become solitary basis of conviction without corroboration if they are proved to be genuine and truthful narration of facts. Moreover, if a court is not satisfied as to the genuineness of any dying declaration, the court has to seek its corroboration before relying upon it.

This paper analyzes the judicial pronouncements of the superior courts of Pakistan and India for highlighting those circumstances where corroboration of dying declarations have been held to be imperative for dispensation of justice. It also brings to light those pieces of evidence which are judicially treated as adequate for the purpose of corroboration of dying declarations.

The paper is divided into four sections in addition to the introduction and conclusion. The next section will explain the meaning and nature of corroboration with particular reference to dying declarations. Thereafter, another section will elaborate the rules pertaining to evidentiary value of dying declarations in general. The penultimate section will explore and enumerate those circumstances in which the courts require corroboration of dying declarations and the last section will analyze various pieces of evidence judicially declared to be reliable for the purpose of corroboration.

2. Meaning and Nature of Corroboration:

The word 'corroboration' is derived from the Latin word '*corroboratus*', past part of the word '*corroborare*' which has itself been derived from another Latin word '*robust*' (*Mehrban v. State*, 1974). It means "to confirm and sometimes add substantiating (reinforcing) testimony to the testimony of another witness or a party in a trial."¹ At another place it is defined as "confirmation and support by additional evidence or authority."² It is also meant "to support or enhance the believability of a fact or assertion by the presentation of additional information that confirms the truthfulness of the item."³ The evidence which is used for the purpose of corroboration is termed as corroborating or corroborative evidence which may be defined as that kind of "evidence which strengthens, adds to, or confirms already existing evidence."⁴ Hence, corroborative evidence is some evidence other than the one which it confirms, establishes, or makes more certain (*Ali Asghar v. State*, 1968). It is additional in nature but confirmatory in quality. We cannot regard a piece of evidence as corroborating which lacks in these characteristics. To understand corroborative evidence, we may classify evidence into two categories: the first is basic evidence and the other corroborative evidence. The latter cannot be treated as a replacement for the former but would only be efficacious for supporting and confirming it.

The most important case regarding the nature of corroborative evidence is *Rex v. Baskerville* (1916) which is followed in numerous common law jurisdictions across the world. The judgment in this case was pronounced by the Court of Criminal Appeal, United Kingdom, with respect to approver's evidence. But taking into account the rationale and cogency of the judgment, it is treated as a precedent in all circumstances requiring corroboration of any evidence. Its relevant portion explicating the rules of corroboration is reproduced here in detail:

¹ <http://dictionary.law.com/Default.aspx?selected=362>. (Last accessed on 24/10/2011).

² <http://pakistanlaw.com/lawonline/law/dictionary.asp> (Last accessed on 24/10/2011).

³ <http://legal-dictionary.thefreedictionary.com/corroborate> (Last accessed on 24/10/2011).

⁴ <http://dictionary.law.com/Default.aspx?selected=363>. (Last accessed on 24/10/2011).