

Evidence Act S. 32(5)

Human memory – Imperfections and infirmities of

Indeed, as a mortal man is not infallible so is human memory. It records facts and events seen with some amount of precision and accuracy, but with the lapse or distance of time, unless the facts or events are noted or recorded in writing, the facts or events fade, sequences get lost, consistency gives way to inconsistency, realities yield to imagination, coherence slowly disappears, memory starts becoming blurred, confusion becomes worse confounded, remembrance is substituted by forgetfulness resulting in an erosion of facts recorded by the memory earlier. This equally applies to facts merely heard by one from some other person. Thus, if a person having only heard certain facts or events repeats them after a long time with mathematical precision or adroit accuracy, it is unnatural and unbelievable and smacks of concoction and fabrication being against normal human conduct, unless he repeats some special or strikingly unusual incident of life which one can never forget or where a person is reminded of some conspicuous fact on the happening of a particular contingency which lights up the past such as marriage, death, divorce, accident, disappointment, failure, wars, famine, earthquake, pestilence (personally affecting the subject and the like etc., and revives the memory in respect of the aforesaid incidents. Of course, if the person happens to be an inimitable genius or an intellectual giant possessing a very sharp and shocking memory, the matter may be different. But, such persons are not born every day. To say, in this case, that all the witnesses one after the other, were geniuses is to tell the impossible. Weakness and uncertainty of human memory is the rule. The witnesses of the plaintiffs examined in this case are normal human beings suffering from the usual defects and drawbacks of a common man.

Describing the vagaries of human memory, Ugo Betti so aptly and correctly observes :

*"Memories are like stones, time and distance erode them like acid."*

(p. 395, The International Theasaurus of Quotations :

Rhoda Thomas Tripp)

In the same strain, Sir Richard Burton in his article "Sind Revisited" expresses his thoughtful experience in the following words :

*"How strange are the tricks of memory, which, often hazy as a dream about the most important events of a man's life, religiously preserve the merest trifles."*

(p. 395, The International Theasaurus of Quotations :

Rhoda Thomas Tripp)

Similarly, Baltasar Gracian in The Art of Worldly Wisdom very aptly puts the frailties of human memory thus :

*“The things we remember best are those better forgotten.”*

referred in [1983 PLRonline 0004](#) (para 210-213)