

**SUBJECT: BHARATIYA SAKSHYA ADHINIYAM, 2023**

Designation of Course	B.A.LL.B.,BBA LL.B Sem VIII 5 year & LLB Sem IV 3 year		
Teaching Scheme:	Examination Scheme:	Marks	Credits Allotted
Theory:-	University Examination	60	04
Core Course (Theory):	Internal Examination	40	
	Oral/Practical Examination	--	
	Total	100	04

<b>Course Objective</b>	<ul style="list-style-type: none"> <li>To provide students a thorough understanding of the concepts pertaining to the laws of evidence, their historical account, the evidence law in the British period and subsequent amendments.</li> <li>To make them understand the problems of applicability of Evidence Act in various adjudication systems like tribunals and arbitration matters.</li> <li>To help them learn about the fundamentals of evidence law, concepts like admission, confession, expert opinion, etc.</li> <li>To develop a legal sense and responsibility among students, so that they learn to appreciate finer details involved in producing evidence.</li> <li>To give them a clear understanding of important aspects like primary and secondary evidence, circumstantial and hearsay evidence.</li> <li>To make them understand the challenges faced and significant role played by law of evidence in determining the guilt of the accused, and generally, in the Indian criminal justice system.</li> </ul>
<b>Course Outcomes:-</b>	<ul style="list-style-type: none"> <li>Students will get an insight into law of evidence and its significance in the Indian criminal justice system.</li> <li>They will learn about the importance of the various kinds of evidence and their applicability.</li> <li>They will be able to draft legal documents required to produce potential evidence in both civil and criminal matters.</li> <li>They will be able to possess a thorough understanding of circumstantial evidence, confession law, admission law and the procedure pertaining to the same.</li> <li>They will be able to understand the complex structure of the criminal law system in the country and the significance of evidence in it.</li> <li>They will be able to demonstrate a high level of understanding in learning the concepts like Presumption of Guilt, how to produce evidence effectively during the trial, etc.</li> </ul>

**Unit I: General Principles I:-**

**10 (Hrs)**

<ul style="list-style-type: none"> <li>a) The principal items of judicial evidence - Facts in issue, Evidence - Testimony witness, Admissible hearsay statements, Documents, Things, relevant facts.</li> <li>b) The principal classifications of judicial evidence - Direct and circumstantial evidence, Primary and Secondary evidence, oral and documentary evidence, and Evidence contained in electronic form.</li> <li>c) Facts must generally be proved, evidence: proved, disproved, and Not Proved.</li> <li>d) May Presume, Shall Presume and Conclusive Proof.</li> </ul>	
<b>Unit II: General Principles II:-</b>	<b>10 (Hrs)</b>
<ul style="list-style-type: none"> <li>a) The Doctrine of Res Gestae, (Sec - 4,5,6 &amp; 8), Evidence of Common intention (Sec - 8),</li> <li>b) The Problems of Relevancy of otherwise Irrelevant facts (Sec. - 9), Relevant facts for proof of custom (Sec - 11) Facts concerning bodies and mental state (Sec 12 &amp; 13),</li> <li>c) Facts necessary to explain or introduce fact in issue or relevant facts (Sec 7) and Facts necessary to determine number of damages in suit for damages (Sec 10).</li> </ul>	
<b>Unit III: General Principles III (Admission &amp; Confession) :-</b>	<b>10 (Hrs)</b>
<ul style="list-style-type: none"> <li>a) General principles concerning admission (Sec. 15-21). Difference between "Admission" and "Confession".</li> <li>b) The problems of non-admissibility of confessions caused by any inducement, threat or promise (Sec - 22),</li> <li>c) Confession made before Police officer (Sec 23)</li> <li>d) Confession by co-accused (Sec - 24)</li> <li>e) Admission and Estoppel (Sec 25)</li> </ul>	
<b>Unit IV: Admissibility of Statements and Witnesses :-</b>	<b>9 (Hrs)</b>
<ul style="list-style-type: none"> <li>a) Dying Declaration - The justification for relevance of dying declaration (Sec - 26).</li> <li>b) Judicial standards for appreciation of evidentiary value of dying declaration, General Principles</li> <li>c) Statement made under special circumstances - entries in books of account, statement in maps, charts, plans, public record and Law books.</li> <li>d) Relevance of judgment of Court of Justice - General Principles (Sec 34 - 35) - Admissibility of Judgment in Civil and Criminal matters framed in fraud or collusion (Sec - 38).</li> <li>e) Relevancy of Opinions of Third Party - General principles (Sec - 39-45), who is an expert ? Types of Expert Evidence, Opinion on relationship especially proof of marriage (Sec - 54), The problems of judicial defence to expert testimony.</li> <li>f) Relevance of Character in Civil and Criminal Cases – when it is relevant? Character affecting damages.</li> </ul>	

<b>Unit V: Oral and Documentary Evidence :-</b>	<b>9 (Hrs)</b>
a) General principles concerning oral Evidence (Sec - 54-55), documentary Evidence (Sec – 56- 60 and Sec 63 - 72) and Electronic Evidence b) Public documents - Meaning, Kinds, Proof of documents. c) Presumptions as to Documents. d) General principles regarding exclusion of Oral evidence by Documentary Evidence.	
<b>Unit VI: Examination:-</b>	<b>9 (Hrs)</b>
a) Estoppel : Principle of estoppel under Sec. 121 b) Witnesses: Competency to testify Evidence as to the affairs of State (Sec 129), Professional Privileges (Sec 132 - 133) & Approver's testimony (Sec. 138). c) Chief - Examination and Cross – Examination: General Principles of Examination in Chief, Cross and Re - Examination. Leading Questions. d) Compulsion to answer question put to witness (Sec. 150, 156). e) Hostile witness (Sec 157). Impeaching credit of witness (Sec 158) f) Refreshing the memory of witnesses (Sec 161). g) Concept of Burden of Proof and Onus of Proof.	
<b>Unit VIII: Recent advancement in Forensic Science and the Laws:-</b>	<b>9 (Hrs)</b>
a) Narco Analysis, Brain Mapping, Polygraph, Forensic DNA Fingerprinting and its admissibility before Court. b) Mode of Collecting Electronic Evidences c) The Criminal Procedure (Identification) Act, 2022	

<b>Assignments</b>
1. Report of Visit to the Court in Civil Suit 2. Report of Visit to the Court in Criminal Trial 3. Report of Visit to the Forensic Laboratory in Pune

<b>Reference Books</b>
Ratanlal & Dhirajlal - Law of Evidence.(Wadhawa, Nagpur)
Venkat Subbarao - Law of Evidence. (Eastern Book Company)
V. Sarthi - Law of Evidence. (Eastern Book Company)
P.S. A. Pillai - Law of Evidence. (Eastern Book Company)
Law Commission Report
Cross - Law of Evidence. (Sweet & Maxwell)

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**Unit Test -**

Unit Test-I	20 Marks
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**Project Based Learning Topics –**

<b>Sr. No</b>	<b>Topics</b>
1	Court Visit and observe the Chief, Cross and Re examination of the witness in Civil Suit
2	Court Visit and observe the Chief, Cross and Re examination of the witness in Criminal Trial
3	Visit to Forensic Laboratory in Pune