

BBA.LL.B (HONS.) – VI-SEMESTER

LAW OF EVIDENCE

COURSE CODE:

Course Objective: Law of evidence plays a major role in judicial process as the outcome of the litigation depends on the relevancy and admissibility of the evidence in civil as well as criminal proceedings. With significant changes and developments in different fields, the judicial system is facing several challenges regarding admissibility of evidence. The subject deals with various principles dealt in the Indian Evidence Act, 1872 with the reference to the contemporary developments.

Course Outcomes:

1. To understand the general principles of law of evidence and differentiate the standard of proof in civil and criminal cases
2. To analyse and apply the rules of relevancy to the evidences in legal disputes
3. To analyse the provisions dealing with examination of witnesses and other relevant contemporary areas of evidence
4. To examine on whom the burden of proof lies in various cases
5. To demonstrate the skill in appreciation and analysing the evidence

UNIT-I: Introduction and importance of Evidence in legal proceeding; - History of evidence law-ancient Hindu Period, Muslim period; Indian Evidence Act, 1872-Relationship of with the substantive and procedural law – civil and criminal proceedings-standard of proof; Fact, Fact-in-issue and relevant fact; May presume, shall presume & Conclusive proof, Types of evidence -circumstantial, hearsay, corroborative, documentary, primary and secondary evidence, electronic evidence

UNIT-II: The Theory of Relevance; common intention; Relevancy of “Otherwise” irrelevant facts, Relevant facts for proof of custom; Facts concerning bodily & mental state; Admission and Confession: General principles concerning admission and confessions, Extra-judicial confessions, confessions of co-accused

UNIT-III: Dying declaration, Relevancy of books of accounts, public record, relevancy of judgments, Expert opinion, character evidence, Facts which need not be proved, judicial notice

UNIT-IV: Burden of Proof, the general concept of onus probandi; General and special exceptions to onus probandi; the justification of presumption and of the doctrine of judicial notice; Justification as to presumptions as to certain offences; Presumption as to abetment of suicide by married woman, Presumption as to dowry death, Estoppel

UNIT-V: Witnesses, Competency to testify; Privileged communications, Accomplice; General principles of examination-in-chief and cross examination; Leading questions; Lawful questions in cross-examination; Compulsion to answer questions put to witness; Hostile witness; Impeaching of witness; Witness Protection Scheme, 2018

Text Books:

1. Sarkar on Evidence, LexisNexis, Nagpur, 2010
2. V.P. Sarathi’s Law of Evidence, EBC, Lucknow, 2017
3. Ratan Lal & Dhiraj Lal, Law of Evidence, LexisNexis, Nagpur, 2017.

