

NIRMA UNIVERSITY

Institute:	Institute of Law
Name of Programme:	B.A.,LL.B. (Hons.), B.Com.,LL.B. (Hons.)
Course Code:	3LW501CC27
Course Title:	Law of Evidence (Bharatiya Shakshya Adhiniyam, 2023)
Course Type:	Core Course
Year of Introduction	2024-25 (for B.A.,LL.B. (Hons.) and B.Com.,LL.B. (Hons.)); 2027 (for B.B.A.,LL.B. (Hons.))

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Course Learning Outcomes:

After completion of the course, the students will be able to:

1. Explain the basic concepts and principles of relevancy of facts and facts in issue (BL-2)
2. Analyse the principles of Oral, Documentary, Hearsay and Circumstantial Evidences (BL-4)
3. Examine the difference between the concepts of burden of proof, onus of proof along with concepts of presumption of law and presumption of facts (BL-4)
4. Determine facts which are legally relevant (BL-5)
5. Explain the evidentiary value of Admissions, Confessions and Dying Declarations (BL-2)
6. Interpret various kinds of expert evidences and their evidentiary value (BL-5)
7. Categorize various types of witnesses in criminal trials in India (BL-4)
8. Apply principles of examinations involved in civil and criminal litigation (BL-3)

Content

**Teaching Hours: 60
6 Hours**

Unit. I

Introduction

- 1.1 Importance of Bharatiya Shakshya Adhiniyam (BSA), 2023 in Justice Delivery System.
- 1.2 Applicability and non-applicability of BSA, 2023 in civil and criminal cases.
- 1.3 Definitions: Court, Document, Evidence, Fact, Relevant Fact and Fact in Issue.

Unit. II

Relevancy of facts

7 hours

- 2.1 Doctrine of Res Gestae
- 2.2 Relevancy of motive, conduct, intention and preparation and Evidence of Common Intention.
- 2.3 Facts necessary to explain or introduce fact in issue or relevant facts.
- 2.4 The Problems of Relevancy of otherwise, Irrelevant Facts
- 2.5 Facts showing existence of state of mind, or of body or bodily feeling

Unit. III	Admissions and confessions	8 hours
	3.1 General principles concerning Admission	
	3.2 Differences between “Admission” and “Confession”.	
	3.3 The problems of non-admissibility of confessions caused by inducement threat or promise	
	3.4 Inadmissibility of confession made before a police officer	
	3.5 Inadmissibility of Custodial Confession	
	3.6 Discovery Statements	
	3.7 Confession by Co-Accused	
	3.8 The problems with the judicial actions based on a “Retracted Confession”	
Unit. IV	Statements by persons who cannot be called as witness.	4 hours
	4.1 The justification for relevance on dying declaration.	
Unit. V	Relevancy of court judgments.	2 hours
	5.1 Admissibility of Judgments in Civil and Criminal matters	
	5.2 Fraud and Collusion in obtaining judgment, or incompetency of Court, may be proved.	
Unit. VI	Expert Evidence	4 hours
	6.1 General Principles	
	6.2 Who is an Expert?	
	6.3 Opinion on relationship especially Proof of Marriage	
	6.4 The Problems of Judicial Defense to Expert Testimony	
Unit. VII	Oral and documentary evidence	8 hours
	7.1 General Principles concerning Oral Evidence	
	7.2 General principles concerning Documentary and Electronic Evidence	
	7.3 General Principles regarding Exclusion of Oral by Documentary Evidence	
Unit. VIII	Burden of Proof, Onus of Proof and Presumptions	4 hours
	8.1 General principles of burden of proof and different presumptions	
	8.2 What is Presumption?	
	8.3 Shall presume, May presume and proved.	
	8.4 Presumptions and their rebuttal	
	8.5 Presumption of innocence	
	8.6 Conclusive Proof and Presumption	
Unit. IX	Estoppel	3 hours
	9.1 Estoppel	
	9.2 Various types of Estoppels	
Unit. X	Witnesses, examination and cross examination	14 hours
	10.1 Competency and Compellability of Witness	
	10.2 Privileged Communications	
	10.3 Order of Examination	
	10.4 Testimony of Accomplice and Co-accused	
	10.5 Hostile Witness	
	10.6 Impeaching the credit of witness	
	10.7 Improper Admission and of witness in civil and criminal cases	
	10.8 Court Witness	