

COURSE TITLE	LAW OF EVIDENCE
COURSE CODE	10FL1504
COURSE CREDITS	4

Objective:

- 1 Develop an understanding of the important role of evidence in law and legal proceedings.
- 2 Gain insight into the criteria determining the admissibility of different types of evidence.
- 3 Acquire skills to effectively approach evidence and present arguments for its admissibility or inadmissibility in court.
- 4 Cultivate the ability to objectively assess the strength of evidence, regardless of its admissibility status.
- 5 Conduct a comparative analysis between Bharatiya Sakshya Adhiniyam, 2023, and the Indian Evidence Act, 1872.

Course Outcomes: After completion of this course, student will be able to:

- 1 Identify and recall various concepts in the Law of Evidence, demonstrating a comprehensive understanding of its importance.
- 2 Interpret the relevancy of facts within legal frameworks, applying criteria for evidence admissibility.
- 3 Describe the nature and implications of admissions and confessions in legal proceedings, showcasing a nuanced understanding of evidence types.
- 4 Critically evaluate the validity and limitations of dying declarations, demonstrating analytical skills in assessing evidence.
- 5 Assess the significance and relevance of witness examination in court proceedings, highlighting the practical application of evidence evaluation.

Pre-requisite of course:N/A

Teaching and Examination Scheme

Theory Hours	Tutorial Hours	Practical Hours	ESE	IA	CSE	Viva	Term Work
3	1	0	50	30	20	0	0

Contents : Unit	Topics	Contact Hours
1	<p>Introduction</p> <p>The main features of the Evidence law., Other acts which deal with evidence (special reference civil and criminal procedural laws)., Extent & applicability of Evidence Act., Definition Clause - Court, Relevant Fact, Facts in Issue, Document, Evidence, Proving, Not Proving, Disproving, May Presume, Shall Presume and Conclusive Proof., Evidence: Oral and documentary. Digital & electronic evidence Hearsay & exceptions to hearsay, Circumstantial evidence and direct evidence., , Digital & electronic evidence, Witness., Appreciation of evidence., Comparative Study of Bharatiya Sakshya Adhiniyam, 2023 (BSA) & Indian Evidence Act, 1872</p>	5
2	<p>Relevancy of Facts</p> <p>Doctrine of res gestae, Evidence of common intention, Problems of relevancy of "otherwise" irrelevant facts, Relevant facts for proof of custom, Facts concerning bodies and mental state, Plea of Alibi and Test Identification Parade, Comparative Study of Bharatiya Sakshya Adhiniyam, 2023 (BSA) & Indian Evidence Act, 1872</p>	6
3	<p>Admissions and Confessions</p> <p>General principles concerning admission, Differences between "admission" and "confession.", Types of Confessions, Inculpatory & Exculpatory, The problems of nonadmissibility of confessions caused by "any inducement, threat or promise'., Inadmissibility of confession made before a police officer., Admissibility of custodial confessions., Admissibility of "information" received from accused person in custody; with special reference to the problem of discovery based on "joint statement"., Confession by co-accused., The problems with the judicial action based on a "retracted confession"., Comparative Study of Bharatiya Sakshya Adhiniyam, 2023 (BSA) & Indian Evidence Act, 1872</p>	5
4	<p>Statements by Persons who cannot be called as Witnesses</p> <p>Dying declarations, The judicial standards for appreciation of evidentiary value of dying declarations., General principles regarding persons who cannot be called as witnesses., Statements made under special circumstance., Comparative Study of Bharatiya Sakshya Adhiniyam, 2023 (BSA) & Indian Evidence Act, 1872</p>	5
5	<p>Relevance of Judgments, Expert Testimony and Character when relevant</p> <p>General principles of admissibility of judgments in civil and criminal matters., "Fraud" and "Collusion", General principles, Who is an expert?: Types of expert evidence., Opinion on relationship especially proof of marriage, The problems of judicial defense to expert testimony., General Principles regarding Character when relevant., Character in criminal & civil cases.</p>	5

Contents : Unit	Topics	Contact Hours
6	Judicial Notice, Oral and Documentary Evidence Judicially noticeable facts and facts exempt from proof, General principles governing oral evidence, , General principles governing the types and admissibility of documentary evidence, including primary and secondary documents, Classification of documents: public documents, private documents, and certified copies, Electronic and digital evidence: its nature and admissibility, Principles regarding the exclusion of oral evidence by documentary evidence, Comparative analysis between Bharatiya Sakshya Adhiniyam, 2023 (BSA), and the Indian Evidence Act, 1872	4
7	Witnesses, Examination and Cross Examination General principles of examination and crossexamination in legal proceedings, Understanding leading questions and their implications, Lawful questioning techniques in cross-examination, Compulsions related to answering questions posed to witnesses, Dealing with hostile witnesses and their impact on legal proceedings, Impeaching the credibility or standing of a witness, Refreshing the memory of witnesses during testimony, Power vested in judges to ask questions during proceedings, , Comparative analysis of Bharatiya Sakshya Adhiniyam, 2023 (BSA), and the Indian Evidence Act, 1872	4
8	Production and Effect of Evidence The general conception of Burden of proof & Onus of proof, General and special exceptions to onus probandi., Privileges- State privilege, Professional privilege - Husband-wife, Lawyer-Client etc, Justification as to presumptions as to certain offences, Presumption as to dowry death	6
9	Estoppel The rationale of Estoppel, res judicata and waiver and presumption., Estoppel by deed., Estoppel by conduct., Equitable and promissory estoppels., Comparative Study of Bharatiya Sakshya Adhiniyam, 2023 (BSA) & Indian Evidence Act, 1872	5
Total Hours		45

Suggested List of Experiments:

Contents : Unit	Topics	Contact Hours
1	Issues related to Law of Evidence Issues related to Law of Evidence	15
Total Hours		15

Textbook :

- 1 Law of Evidence, Krishnamachari V, S. Gogia & Co, Hyderabad, 2015

References:

- 1 Evidence, Evidence, Polein Murphy, Universal, Delhi, 2000

Suggested Theory Distribution:

The suggested theory distribution as per Bloom's taxonomy is as follows. This distribution serves as guidelines for teachers and students to achieve effective teaching-learning process

Distribution of Theory for course delivery					
Remember / Knowledge	Understand	Apply	Analyze	Evaluate	Higher order Thinking / Creative
10.00	10.00	30.00	10.00	20.00	20.00