



**NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM**

**PROGRAMME: B.A.,LL.B (HONS.) FYIC**

**DETAILS OF COURSE OFFERED**

**EVEN SEMESTER (VI)— ACADEMIC YEAR: .....**

<b>SL. NO</b>	<b>COURSE CODE</b>	<b>COURSE TITLE</b>	<b>L</b>	<b>T</b>	<b>P</b>	<b>CR</b>	<b>CH</b>
<b>1</b>	<b>604</b>	<b>LAW OF EVIDENCE</b>	<b>4 PER WEEK</b>	<b>1 PER WEEK</b>		<b>4</b>	

**A. CODE AND TITLE OF THE COURSE: 604, LAW OF EVIDENCE**

**B. COURSE CREDIT: 4 (TOTAL MARKS: 200)**

**C. MEDIUM OF INSTRUCTION: ENGLISH**

**D. COURSE COMPILED BY: DR. DAISY CHANGMAI**

**E. COURSE INSTRUCTOR: DR. DAISY CHANGMAI**

## **1. COURSE OBJECTIVES:**

This course is an introduction to the principles of the law of evidence that underlines the provisions of the Indian Evidence Act 1872.

An introductory course on law of evidence which is one of the most fundamental branches of law it aims encourage the students to appreciate the underlying principles of law of evidence. The course serves to technically equip students to be able to read the legal text and apply the same in actual cases and scrutinize certain areas of evidence critically so as to infuse the spirit of questioning and law reforms. Due to the limitation of time certain topics are added to be discussed only elementarily in the class. The purpose for this is an attempt to at least cover maximum possible areas that may accost the students in their professional career. The syllabus has been designed, keeping in mind the framework of top national law school standards like NLSIU, NLU Delhi and NUJS.

## **2. TEACHING METHODOLOGY:**

NLU Assam has framed its own teaching methodology to train the students in learning and understanding the Law of Evidence. The methodology is not a traditional lecture method but participatory teaching with discussion on the respective provisions of Evidence in classroom.

There will be lectures, classroom discussions, audio visual presentations. Surprise tests will be conducted by the course instructor frequently. Multiple Choice Questions will also be solved after completion of certain modules.

The class discussion will revolve around these Case laws and problem based. The mid-term and the final exam will also be based on these primary reading materials. In addition to the Cases and Materials supplied for the reading, the students are free to refer to any textbook on the Indian Evidence Act, 1872 as they deem appropriate.

The students are expected to carry with them to the class a copy of the Indian Evidence Act, 1872 (Bare-Act). The students are expected to read the prescribed portions of the Bare-Act and the Cases and Materials. Case Law.

### 3. COURSE OUTCOMES

- It is expected on the completion of the Course that the student will understand the significance of evidence law as a procedural law in legal proceeding
- Taught in law of evidence a student will have clear idea as to how – any statements made or documents produced in the court by the witnesses if proved, helps a court to reach a decision.
- The whole course of law of evidence is designed in such a way that aids to understand the students the standard of various evidence and its relevancy in law
- A student well-versed in evidence law may establish himself in the legal profession
- Moreover, after going through the present statutes on evidence, they can form their opinion on the existing law and further extend their suggestion to get more improved as well as modified version of evidence law considering the present technological development.

### 4. COURSE EVALUATION METHOD:

The Course will be evaluated on 200 marks. The Evaluation Scheme would be as follows:

**Internal Assessment: 70% (140 marks)**

**External Assessment: 30% (60 marks)**

Sl. No.	Internal Assessment	
1.	2 Assignments	2x20 = 40 marks
2.	Seminar/Group Discussion	20 marks
3.	Class Tests (twice in a semester)	2x 35 = 70 marks
4.	<b>Attendance in class</b>	10 marks
5	Semester End Examination	60 marks

**5. DETAILED STRUCTURE OF THE COURSE (SPECIFYING COURSE MODULES AND SUB-MODULES):**

**MODULE I**

**16 Hours**

**Nature and functions of the Law of Evidence**

- Definition- Evidence
- Facts, Facts in issue
- Proved, Disproved, Not Proved
- Relevancy and admissibility
- May presume, shall presume and conclusive proof

**MODULE II**

**16 Hours**

**Relevancy, Admissions, Confessions and Expert opinion**

- Relevancy of facts (Sec. 5)
- Res gestae (Sec.6)
- Motive preparation and conduct (Sec.8)
- Plea of alibi [Sec.11(a)]
- Admissions (Sec.s 17-23, 31)
- Confessions (Sec.24)
- Confessions to police (Sec.s25-30)
- Statements by persons who cannot be called as witnesses (Sec.s 32-33)
- Relevancy of judgments (Sec.s 40-44)
- Opinions of third persons when relevant (Sec.s 45-51)
- Character when relevant (Sec.s 52-55)

**MODULE III**

**16 Hours**

**Of Proof, Modes Of Proof, Oral And Documentary Evidence**

- Of Proof
- Facts which need not be proved (Sec.s56-58)
- Facts Modes of proof
- Oral evidence (Sec.s 59-60)
- Documentary evidence - Primary Evidence and Secondary Evidence (Sec.s 61-65)
- Public Documents (Sec.s 74,75)
- Proof of public documents (Sec.s 76-78)
- Exclusion of Oral Evidence by documentary evidence (Sec.s 91-97)

#### **MODULE IV**

**16 Hours**

#### **Burden Of Proof, Presumptions, Estoppel, Communications And Examination Of Witnesses**

- Production and effect of evidence
- Of the burden of proof (Sec.s101-106)
- Survivorship and death (Sec.s107-111, 113)
- Presumptions (Sec.s 111-A, 112, 113-A, 113-B, 114-A)
- Estoppel (Sec.s115-117)
- Of witnesses (Sec.s118-120)
- Privileged communications (Sec.s121-132)
- Evidence of accomplice (Sec.s133-134)
- Of the examination of witnesses (Sec.s135-160)
- Of improper admission or rejection of evidence (Sec.167)

#### **6. PRESCRIBED READINGS:**

1. Singh Avtar, *Principles Of Law Of Evidence*, EBC, 23<sup>rd</sup> Edition, 2018
2. Lal Batuk, *Law Of Evidence*, Central Law Agency (Latest Edition)
3. Dhirajlal's And Ratanlal, *Law Of Evidence*, LexisNexis, 26<sup>th</sup> Edition, 2017
4. Chief Justice Munir M., *Textbook On The Law of Evidence*, Universal Law Publishing (Latest Edition)

5. Gaur D., *Textbook on the Indian Evidence Act*, Universal Law Publishing (Latest Edition)
6. Jethmalani, *The Law of Evidence: Commentary on Evidence Act*, Thomson Reuters, 2013
7. Minocha Y. P., *Supreme Court on Evidence Act*, Klay Legals, 2<sup>nd</sup> Edition, 2019
8. Sarkar, *Law of Evidence*, EBC, 18<sup>th</sup> Edition, 2013

**Statutory Reference:**

Indian Evidence Act, 1872

**Judicial References:**

❖ **Theory of Relevancy**

1. Union of India v. T. R. Varma, AIR 1952 SC 882
2. Poornal Mal v. Director of Inspection, AIR 1974 SC 348
3. State of Punjab v. Baldev Singh, AIR 1999 SC 2378
4. Ram Bihari Yadav v. State of Bihar, AIR 1998 SC 1850
5. Gurumukh Singh v. Commissioner of Income Tax, AIR 1944 Lah. 381

❖ **Res Gestae**

1. Gentela Vijayavardhan Rao v. State of Andhra Pradesh, AIR 1996 SC 2791
2. Ram Das v. State, 1972 Cr LJ 57
3. Pratap Singh v. State of M.P., 1971 Cr LJ 172
4. Sukhar v. State of UP, 2000 Cr LJ 29 (SC)

❖ **Test Identification Parade**

1. Daya Singh v. State of Haryana, AIR 2001 SC 1188
2. State (Delhi Administration) v. V.C. Shukla, AIR 1982 SC 1382

❖ **Admissions**

1. Sita Ram Bhau Patil v. Ramchandra Nago Patil, AIR 1977 SC 1712
2. Ahmedsaheb v. Sayed Ismail, AIR 2011 SC 2496
3. Pakala Narayan Swami v. Emperor, AIR 1939 SC 47
4. K. M. Singh v. Secretary Indian University Association, AIR 1992 SC 1356

❖ **Confessions**

1. State of U.P. v. Deoman Upadhyaya, AIR 1960 SC 1125
2. Haricharan Kurmi v. State of Bihar, AIR 1964 SC 1184
3. Aghnoo Nagesia v. State of Bihar, AIR 1966 SC 119
4. Bheru Singh v. State of Rajasthan, (1994) 2 SCC 467
5. State of Punjab v. Barkat Ram, AIR 1962 SC 276
6. Raja Ram Jaiswal v. State of Bihar, AIR 1964 SC 828
7. State of Bombay v. Kathi Kalu Oghad, AIR 1961 SC 1808
8. Sahoo v. State of U.P., AIR 1966 SC 40

❖ **Dying Declarations**

1. Kushal Rao v. State of Bombay, AIR 1958 SC 22
2. Harbans Singh v. State of Punjab, AIR 1962 SC 439
3. Pakala Narayan Swami v. Emperor, AIR 1939 SC 47

❖ **Expert Evidence**

1. Bal Krishna Das Agarwal v. Radha Devi and others, AIR 1989 All. 133
2. Sri Chand Batra v. State of U.P., AIR 1974 SC 639
3. State of H.P. v. Jai Lal, AIR 1974 SC 639
4. Selvi v. State of Karnataka, AIR 2010 SC 1974
5. L. C. Goyal v. Mrs. Suresh Joshi, AIR 1999 SC 2222

❖ **Oral Evidence**

1. Bai Hira Devi v. Official Assignee of Bombay, AIR 1958 SC 448

2. B. Gangaram v. State of Gujarat, AIR 1983 SC 906
3. Gulzar Khan v. Vijay Laxmi, 2013 (4) ALJ 417 (Allahabad High Court)
4. Bhawanbhai Premabhai v. Bai Vahali, AIR 1955 Bom. 320 (Bombay High Court)

❖ **Documentary Evidence**

1. Hira Lal v. Ram Prasad, AIR 1949 All. 677
2. State of Bihar v. Radha Krishna Singh, AIR 1983 SC 684
3. Marvari Kumhar v. B. G. Ganeshpuri, AIR 2000 SC 2629

❖ **Burden of Proof**

1. Gavate v. State of Maharashtra, AIR 1977 SC 1839
2. Shambhu Nath Mehra v. State of Ajmer, AIR 1956 SC 404
3. Amba Lal v. Union of India, AIR 1961 SC 264
4. Collector of Customs, Madras v. D. Bhoormal, AIR 1974 SC 859
5. Tuka Ram and Anr. V. State of Maharashtra AIR 1979 SC 185

❖ **Evidentiary Presumptions**

1. Kali Ram v. State of H.P., AIR 1973 SC 2773
2. S. N. Bose v. State of Bihar, AIR 1968 SC 1292
3. K. L. Rallaram v. Custodia, Evacuee Property, Bombay, AIR 1961 SC 1316
4. Hans Raj v. State of Haryana, (2004) 12 SCC 257

❖ **Estoppel**

1. Deshpande v. Deshpande, AIR 1954 SC 82
2. Shreedhar v. Munireddy, AIR 2003 SC 578



❖ **Witnesses**

1. Ramchandra Rambux v. Champabai, AIR 1965 SC 354
2. Rameshwar v. State of Rajasthan, AIR 1952 SC 54
3. Laxmipat Choraria v. State of Maharashtra, AIR 1968 SC 938
4. R. D. Nayak v. State of Gujarat, AIR 2004 SC 23
5. Binay Kumar and Others v. State of Bihar, AIR 1997 SC 321

❖ **Privileged Communication**

1. Ram Bharosey v. State of U.P., AIR 1954 SC 704
2. State of Punjab v. Sodhi Sukhdev Singh, AIR 1961 SC 493 10
3. Raj Narayan v. Smt. Indira Gandhi, AIR 1974 All. 324

❖ **Examination and Cross Examination and Re-Examination of Witnesses**

1. Varkey Joseph v. State of Kerala, AIR 1993 SC 1892
2. Pannayar v. State of Tamil Nadu, AIR 2010 SC 85
3. B. B. Hirjibhai v. State of Gujarat, AIR 1983 SC 753
4. J. K. Govani v. State of Maharashtra, AIR 1968 SC 178
5. Ram Chander v. State of Haryana, AIR 1981 SC 1036
6. Raghunandan v. State of U.P., AIR 1974 SC 436