



SGT UNIVERSITY, GURGAON

FACULTY OF LAW

| PROGRAMME | TRIMESTER | COURSE NAME | COURSE CODE |
|----------------------|-----------|-----------------|-------------|
| BB.A., LL.B. (Hons.) | V | Law of Evidence | 08030504 |

Course Objective:

This paper is to orient students with importance of evidence for establishment of claims and the related rules and Principles. Teaching criminal and civil procedure is incomplete without evidence law. Law of evidence is equally important for understanding a variety of subjects in the law curriculum.

LAW OF EVIDENCE

Module – I

Introduction

- 1.1 Definitions – Court, Fact, Fact in Issue, Relevant Facts, Evidence, Document, Proved, Disproved & Not Proved, Oral, Documentary & Hearsay Evidence
- 1.2 Standard or Degree of Proof in Civil / Criminal Proceeding
- 1.3 May presume, Shall Presume & Conclusive Proof

Module – II

Relevancy of Facts

- 2.1 Res Gestae
- 2.2 Facts which are Occasion, Cause & Effect
- 2.3 Motive, Preparation & Conduct
- 2.4 Explanatory or Introductory facts & Test Identification Parade
- 2.5 Evidence to Prove Conspiracy
- 2.6 Inconsistent Facts (Plea of Alibi)

Module – III

Admissions & Confessions

- 3.1 Definition of Admission
- 3.2 Persons whose Admissions are Relevant & Against Whom Admission may be Proved
- 3.3 Admissions how far Relevant & Evidentiary Value of Admissions
- 3.4 Definition & Evidentiary Value of Confession
- 3.5 Confessions carrying Inculpatory & Exculpatory Statements
- 3.6 Extra Judicial Confession, Confession caused by Threat, Confession to Police & Confession of Co-accused

Module – IV

Statements by Persons who cannot be called as Witnesses

- 4.1 Dying Declaration – Essentials & Evidentiary Value
- 4.2 Relevancy of Evidence in Prior Judicial Proceeding
- 4.3 Statements made under Special Circumstances
- 4.4 Judgments of Court when Relevant
- 4.5 Opinions of third persons when Relevant
- 4.6 Character when Relevant

Module –V Proof

- 5.1 Facts which need not be Proved
- 5.2 Oral Evidence
- 5.3 Documentary Evidence
- 5.4 Admissibility of Electronic Record
- 5.5 Exclusion of Oral by Documentary Evidence

Module – VI Production & Effect of Evidence

- 6.1 Burden of Proof
- 6.2 Survivorship & Death
- 6.3 Presumptions
- 6.4 Estoppel
- 6.5 Witnesses & Privileged Communications
- 6.6 Examination of Witnesses

Course Outcome: At the end of this course you will be able to:

1. Analyse the concept and nature of evidence.
2. Recognise the general principles and rules of evidence and in particular the rules as they apply to the conduct of a civil and criminal trial.
3. Analyse the framework of statutory and common law rules which provide the basis for the exclusion, and inclusion, of evidence.

Suggested Reading:

1. M. Monir, *Law of Evidence*, Universal Law Publishing Co. Pvt. Ltd, 2006
2. Rattan Lal Dheeraj Lal, *Law of Evidence*, Lexis Nexis, 2011
3. GS Pande, *Indian Evidence Act*, Allahabad Law Agency, 1996
4. Avtar Singh, *Principles of Law of Evidence*, Central Law Publications, 2013
5. Dr. Satish Chandra, *Indian Evidence Act*, Allahabad Law Agency, 2007
6. Batuk Lal, *Law of Evidence*, Central Law Agency, 1990