

**SARDAR PATEL UNIVERSITY**  
**Programme & Subject: BBA LLB**  
**Semester: IX**  
**Syllabus with Effect from: June - 2014**

<b>Paper Code: IL - 902</b>	<b>Total Credit:</b>
<b>Title Of Paper: Law of Evidence</b>	

Unit	Description in Detail	Weightage (%)
I	Introduction	
II	<b>Central Conceptions in Law of Evidence</b> Facts: section 2 definition: distinction -relevant facts/facts in issue Evidence: oral and documentary. Circumstantial evidence and direct evidence Presumption (Section 3) "Proving", "not providing" and "disproving" Witness	
III	<b>Facts: relevancy</b> The Doctrine of res gestae Evidence of common intention (Section 3) The problems of relevancy of "Otherwise" irrelevant facts (Section 3) Relevant facts for proof of custom (Section 3) Facts concerning bodies & mental state (Section 30, 33)	
IV	<b>Admissions and confessions</b> General principles concerning admission (Section 44, 44) Differences between "admission" and "confession" The problems of non-admissibility of confessions caused by "any inducement, Threat or promise" (Section 44) Inadmissibility of confession made before a police officer (Section 44) Admissibility of custodial confessions (Section 44) Admissibility of "information" received from accused person in custody; with Special reference to the problem of discovery based on "joint statement" (Section 44) Confession by co-accused (Section 40)	
V	<b>Dying Declarations</b> The justification for relevance on dying declarations (Section 55) The judicial standards for appreciation of evidentiary value of dying declarations.	
VI	<b>Other Statements by Persons who cannot be called as Witnesses</b> General principles. Special problems concerning violation of women's rights in marriage in the law Of evidence	
VII	<b>Relevance of Judgments</b> General principles Admissibility of judgments in civil and criminal matters (Section 66) "Fraud" and "Collusion" (Section 66)	
VIII	<b>Expert Testimony</b> General principles Who is an expert? : types of expert evidence Opinion on relationship especially proof of marriage (Section 60)	



	The problems of judicial defence to expert testimony.	
IX	<b>Oral and Documentary Evidence</b> General principles concerning oral evidence (Sections 66-60) General principles concerning Documentary Evidence (Sections 66-60) General Principles Regarding Exclusion of Oral by Documentary Evidence Special problems: re-hearing evidence Issue Estoppel Tenancy Estoppel (Section 66)	
X	<b>Witnesses, Examination and Cross Examination</b> Competency to testify (Section 66) State privilege (Section 66) Professional privilege (Section 66, 66, 66) Approval testimony (Section 66) General principles of examination and cross examination (Section 66-666) Leading questions (Section 606-606) Lawful questions in cross-examination (Section 606) Compulsion to answer questions put to witness Hostile witness (Section 666) Impeaching of the standing or credit of witness (Section 666)	
XI	<b>Burden of Proof</b> The general conception of onus probandi (Section 66) 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 (Section 66A) Presumption as to dowry death (Section 66-B) The scope of the doctrine of judicial notice (Section 66)	
XII	<b>Estoppel</b> Why Estoppel? The rationale (Section 66) Estoppel, res judicata, waiver, and presumption Estoppel by deed Estoppel by conduct Equitable and promissory Estoppel	

### Statutory Materials

- The Indian Evidence Act-1872

### Basic Text & Reference Books:-

- |                             |   |                      |
|-----------------------------|---|----------------------|
| ➤ The Evidence Act          | - | Ratanlal & Dhirajlal |
| ➤ Principal of Evidence Act | - | Dr. Avatar Singh     |
| ➤ Law of Evidence           | - | Sarkar & Ejaz        |
| ➤ Evidence Act              | - | Batuklal             |
| ➤ Law of Evidence           | - | Vepa P. Sarathi      |
| ➤ Law of Evidence           | - | M.V.Chaturvedi       |

