

COURSE PLAN

Subject: Law of Evidence

Class: VBAL/BBL

Date of commencement: 11 Feb. 2019

Passes
Evidence *AL*

Course Objectives:

This course concentrates and emphasis on matters of principle and conceptual issues rather than the fine detail of legal rules. The aims of the course are to orient students how to reason about evidence, and to encourage them to reflect critically on the modern law of evidence.

At a more detailed level, we consider how inferences are drawn from evidence, and how basic ideas of probability can give insights on this process. We study the standard of proof, asking whether a high standard such as 'proof beyond reasonable doubt' is justified. We examine how the police gain confessions from suspects, and how the law regulates the admissibility of confessions. A central theme on the course is the question as to what makes a trial fair. In this context, we look at whether courts should admit improperly obtained evidence and we ask what the privilege against self-incrimination is and whether it can be justified. As students will learn, much of the law of evidence involves rules of admissibility. Among these we cover the rules regulating the admissibility of hearsay evidence and of bad character. We also look at particular problems relating to testimony, ranging from the protections afforded to vulnerable witnesses to the admissibility and presentation of expert evidence.

The objectives of this subject are:

1. To understand and apply the rules of evidence.
2. To learn associated trial and lawyering skills.
3. To be able to synthesize the rules and use them in the context of a trial or other Proceedings.
4. To be able to apply the rules of evidence to a wide variety of fact situations.
5. To develop competent advocacy skills relating to evidence issues.

Date	Hours	Units	Heading	Details	Teaching Method / Evaluation Method	Reference / Reading
6	Unit 1 Introduction	Objects and Reasons of Indian Evidence Act, 1872. Definitions of: "fact", "facts in issue", "relevant", "document", "evidence", "proved", "disproved" and "not proved", "may presume", "shall presume" and "conclusive proof".	1. P.1-59-Batuklal-The Law of Evidence, Central Law Agency, Reprint 2015. 2. P.1-42: Nature and functions of Law of Evidence- Dr. Avtar Singh: Principles of Law of Evidence, Central Law Publications, 21 st Edition 2014	Lecture/PP T/ Group Discussion	1. P.11-16-Ram Jethmalani & D.S.Chopra, The Law of Evidence- Commentary on Evidence., First Edition 2013., Vol.I & II., Thomson Reuters 2. P.27-113- Monir M., Text Book on the Law of Evidence Vol.1, New Delhi: Universal Law Publishing, 15 th Edition 2010. 3. P.42-59-Sarkar Law of Evidence., Lexis Nexis Vol. 1 & 2	
8	Unit 2: Relevancy of Facts	Motive, preparation, previous or subsequent conduct, role of motive in an offence, facts necessary to explain or introduce relevant facts, identification of accused, existence of conspiracy, significance of common intention etc.	1. P: 60-147: Batuklal-The Law of Evidence, Central Law Agency, Reprint 2015. 2. P:43-111: Dr. Avtar Singh: Principles of Law of Evidence, Central Law Publications, 21 st Edition 2014 3. P.28-35-Dr.Asis Mallick, Law of Evidence-An Approach	Lecture/PP T/ Group Discussion	1.P.302-313- Sarkar Law of Evidence., Lexis Nexis Vol. 1 & 2 2. P.183-202-Ratanlal & Dhirajlal-The Law of Evidence, Lexis Nexis, 23 rd Edition, 2010. 3. P-140-145-Ram Jethmalani & D.S.Chopra, The Law of Evidence- Commentary on Evidence., First Edition 2013., Vol.I & II., Thomson Reuters	

			to Modern Perspectives, Eastern Law House, 2011.		
8	Unit 3: Admission and Confession	Admission defined. Oral admissions, admission in civil cases; confession, information received from accused etc	<p>1. P.149-164: Batuklal-The Law of Evidence, Central Law Agency, Reprint 2015.</p> <p>2. P.112-136 & P.137-153: Dr.Avtar Singh: Principles of Law of Evidence, Central Law Publications, 21st Edition 2014</p> <p>3. P.28-35-Dr.Asis Mallick, Law of Evidence-An Approach to Modern Perspectives, Eastern Law House, 2011.</p>	Lecture/PP T/ Group Discussions	<p>1. P.540-558 and P.601-724- Sarkar Law of Evidence., Lexis Nexis Vol. 1 & 2</p> <p>2. P.355-370: Ratanlal & Dhirajlal-The Law of Evidence, Lexis Nexis, 23rd Edition, 2010.</p> <p>3. P-278-280 & P.321-324-Ram Jethmalani & D.S.Chopra., The Law of Evidence-Commentary on Evidence., First Edition 2013., Vol.I & II., Thomson Reuters</p>
6	Unit 3: Statement by persons who cannot be	Who is dead or cannot be found: Statements made under special circumstances Entries in books of account, public	<p>1. P.245-306: Batuklal-The Law of Evidence, Central Law Agency, Reprint 2015.</p>	Lecture/PP T/ Group Discussion	<p>1. P.454-458- Ram Jethmalani & D.S.Chopra., The Law of Evidence-Commentary on Evidence., First Edition 2013., Vol.I & II., Thomson</p>

	called as witnesses	record or electronic record, maps, charts and plans, law contained in law books.	2. P:183-231: Dr.Avtar Singh: Principles of Law of Evidence, Central Law Publications, 21 st Edition 2014	S	Reuters
8	Unit 3: Judgment and Opinions	Previous judgments, judgments in probate etc, fraud or collusion in obtaining judgment or incompetence of court may be proved. Opinion of experts, handwritings, digital signature, existence of right or custom, usages, tenets, opinion on relationship, grounds or opinion.	1. P:319-347: Batuklal-The Law of Evidence, Central Law Agency, Reprint 2015. 2. P: 234-242 Dr.Avtar Singh: Principles of Law of Evidence, Central Law Publications, 21 st Edition 2014	Lecture/PP T/ Group Discussion	1. P.1135-1146- Sarkar Law of Evidence., Lexis Nexis Vol. 1 & 2 2. P.710-725- Ratanlal & Dhirajlal-The Law of Evidence, Lexis Nexis, 23 rd Edition, 2010. 3. P.558, 563, 568, 604-607-Ram Jethmalani & D.S.Chopra., The Law of Evidence-Commentary on Evidence,, First Edition 2013., Vol.I & II., Thomson Reuters
6	Unit 4: Character	Civil cases and criminal case, previous bad character, character as affecting damages.	1. P: 352-356- Batuklal-The Law of Evidence, Central Law Agency, Reprint 2015. 2. P.266-277- Dr.Avtar Singh: Principles of Law of Evidence, Central Law Publications, 21 st Edition	Lecture/PP T/ Group Discussion	1. P.1330-1388- Sarkar Law of Evidence., Lexis Nexis Vol. 1 & 2 2. P.836-846: Ratanlal & Dhirajlal-The Law of Evidence, Lexis Nexis, 23 rd Edition, 2010. 3. P-727-729 & 732-Ram Jethmalani & D.S.Chopra., The Law of Evidence-Commentary on Evidence., First

			2014		Edition 2013., Vol.I & II., Thomson Reuters
6	Unit 4: Witnesses and Proof of facts	Witnesses, who may testify, judges and magistrates, communication during marriage, professional communications, confidential communication, accomplice.	1. P:511-590- Batuklal-The Law of Evidence, Central Law Agency, Reprint 2015. 2. P:499, 541-581 - Dr.Avtar Singh: Principles of Law of Evidence, Central Law Publications, 21 st Edition 2014.	Lecture/PP T/ Group Discussion Client Counselling	1. P.2543, 2726- Sarkar Law of Evidence., Lexis Nexis Vol. 1 & 2 2. P.1569-1616: Ratanlal & Dhirajlal: The Law of Evidence, Lexis Nexis, 23 rd Edition, 2010. 3. P.1931-1946- Ram Jethmalani & D.S.Chopra., The Law of Evidence- Commentary on Evidence., First Edition 2013., Vol.I & II., Thomson Reuters
5	Unit 4: Oral Evidence	Proof of facts by oral evidence. Direct and Hearsay Evidence. Exclusion of Oral by Documentary Evidence, Evidence of Terms of Contracts, Grants Etc. Examination of Witness: Examination-in-chief, leading questions, cross examination, indecent and scandalous questions, impeaching credit of witnesses, refreshing memory, production of documents, judge's power to put questions etc. Improper admission and	1. P:366-428- Batuklal: The Law of Evidence, Central Law Agency, Reprint 2015. 2. P:291-302- Dr.Avtar Singh: Principles of Law of Evidence, Central Law Publications, 21 st Edition 2014.	Lecture/PP T/ Group Discussion Trial Advocacy	1. P.1405-1411- Sarkar Law of Evidence., Lexis Nexis Vol. 1 & 2 2. P.2284-2300: Monir M., Text Book on the Law of Evidence Vol.2, New Delhi: Universal Law Publishing, 15 th Edition 2010. 3. P.786-791 - Ram Jethmalani & D.S.Chopra., The Law of Evidence- Commentary on Evidence., First Edition 2013., Vol.I & II., Thomson Reuters

6	Unit 5: Documentary Evidence	rejection of evidence; Contents of documents, primary & Secondary evidence, proof of signature, attesting witness – public & private documents, certified copies, official documents – Presumption as to Documents: Genuineness of certified copies, record of evidence, gazettes, books, collection of laws and report of decisions, powers-of-attorney, digital signature, foreign judicial records, maps, charts, telegraphic messages, documents 30 years old & electronic records 5 years old.	1. P.374-478- Batuklal-The Law of Evidence, Central Law Agency, Reprint 2015. 2. P.303-342- Dr.Avtar Singh: Principles of Law of Evidence, Central Law Publications, 21 st Edition 2014.	Lecture/PP T/ Group Discussion s Trial Advocacy	1. P.1433-1448- Sarkar Law of Evidence., Lexis Nexis Vol. 1 & 2 2. P.900-903 & 1007-1020- Ratanlal & Dhingrajal-The Law of Evidence, Lexis Nexis, 23 rd Edition, 2010. 3. P.830-836 & 842 & 901-903-Ram Jethmalani & D.S.Chopra., The Law of Evidence-Commentary on Evidence., First Edition 2013, Vol.I & II., Thomson Reuters		
6	Unit 5: Burden of Proof	On whom burden of proof lies, burden of proving fact to be proved to make evidence admissible; exceptions, presumption as to dowry death, presumptions in cases of rape.	1. P.459, 490-506- Batuklal-The Law of Evidence, Central Law Agency, Reprint 2015. 2. P: 384-410- Dr.Avtar Singh: Principles of Law of Evidence, Central Law Publications, 21 st Edition 2014.	Lecture/PP T/ Group Discussion s Trial Advocacy	1. P. 1895-1908- Sarkar Law of Evidence., Lexis Nexis Vol. 1 & 2 2. P.1171-1204: Ratanlal & Dhingrajal- The Law of Evidence, Lexis Nexis, 23 rd Edition, 2010. 3. P.1793-1806: Monir M., Text Book on the Law of Evidence Vol.2, New Delhi: Universal Law Publishing, 15 th Edition 2010. 4. P.1223-1226 & P.1318-1326- Ram Jethmalani & D.S.Chopra., The Law of		

					Evidence-Commentary on Evidence., First Edition 2013, Vol.I & II, Thomson Reuters
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No. of Hand-Outs: 11

No. of student Presentations: 05

No. of Case Studies: 10

No. of documentaries to be screened: Nil

No. of Lectures/presentations : 65 Lectures

No. of writing exercises: Nil

Any Links:

Suggestion for Guest Lectures: Any DNA Analyst and Medico-legal consultant

SUGGESTED READINGS:

1. Singh, Avtar. Principles of the Law of Evidence. Allahabad: Central law Publications, 21st Edition 2014.
2. Lal, Batuk. BatukLal's Law of Evidence. Allahabad: Orient Publishing Company 2014.
3. Dr. V.Nageswara Rao: The Indian Evidence Act, Lexis Nexis, Second Edition 2015.
4. Dr.Asis Mallick: Law of Evidence: Eastern Law House, 1st Edition, 2011.
5. Ratanlal & Dhirajlal: The Law of Evidence, Wadhwa Company, Nagpur , 2014.
6. Woodroffe and Amir Ali (Revised by: B.M.Prasad,Manish Mohan), Lexis Nexis, 2012.
7. Monir M., Text Book on the Law of Evidence. New Delhi: Universal Law Publishing, 2010.
8. Sarkar S.C, Commentary on Indian Evidence Act, 1872., Vol. 1 & 2: Dwivedi Law Agency, Allahbad.
9. Nandi. Indian Evidence Act, Kolkata: Kamal Law House, 2005.
10. Mishra, Ranganath. Supreme Court on Evidence Act. New Delhi: Bharat Law House 2009.
11. Field's Commentary on Law of Evidence. Delhi: D. L. House, 2006.

12. Vepa P Sarathy's Elements of Law of Evidence: Eastern Book Company, Lucknow.
13. S. V. Joga Rao: Evidence: Cases and materials, Lexis Nexis, Butterworths, 2003.
14. Indian Evidence Act, 1872. New Delhi: Universal Law Publishing.
15. Ram Jethmalani & D.S.Chopra., The Law of Evidence-Commentary on Evidence., First Edition 2013, Vol.I & II., Thomson Reuters
16. Sarkar Law of Evidence, Lexis Nexis Vol. 1 & 2, 2013

Reference Articles

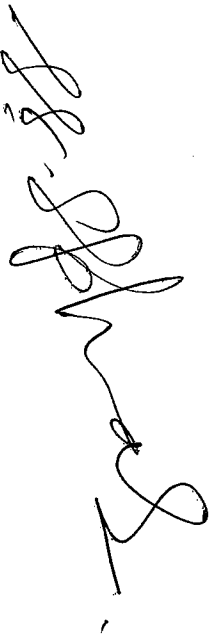
1. Can Circumstantial Evidence alone form the basis of Conviction?-Sanjeev Sirahi., 2014 CRI.L.J., J.S. p.no. 166-171.
2. Evidence by Affidavit in Civil Cases-Is it "Evidence" under the Evidence Act, 1872-Sudeep Seth, Advocate., (2014) 4 SCC J.P.11-16
3. DNA and Expert Evidence-Ishita Chatterjee., 2012 CRI.L.J., J.296
4. Genetics of Crime: A fresh look of evidence and admissibility by Trichi Saukshmya and Dr.Dipa Dube., (2011) 6 SCC J.59
5. Section 45: DNA Testing: Mere Match is not Conclusive Proof unless statistics corroborate by Dr.G.V.Rao, DNA Analyst and Medico-legal consultant., 2012 CRI.L.J., J.S.p.no.296.
6. Section 47-51: Expert Opinion in NDPS cases-A study by Dr.Mukund Sarada., 2012 CRI.L.J., J.S.p.no.29.
7. Child Witnesses: Testimony and its Evidentiary value in Judicial Proceeding-Dayanaand D.Gund., 2014 CRI.L.J., J.S p.no.40
8. Section 154: Evidentiary value of Hostile Witness: A Chronological case law study to understand the current position in Indian laws by Rustum Singh Thakur and Divya Sen., 2012 CRI.L.J., J.S.p.no.13.
9. The Modern Psycho-Physiological Devices in Police Interrogation: Some emerging issues-Dr.Jyotirmay Adhikary, Advocate, High Court, Calcutta., (2011) 4 SCC J.P.41-48.
10. Cyber Forensics and Admissibility of Digital Evidence by Dr.Swati Mehta., (2011) 5 SCC J.P.54
11. Admissibility of polygraph test in Indian Administration of Criminal Justice System by Dr.Subodh K Singh., 2012 CRI.L.J., J.S.p.no.76

Case Laws:

1. *A. Vidya Sagar v Andhra Pradesh*, 2015 Cri.LJ 676
2. *A.S.Mohammed Rafi v State of Tamil Nadu*, represented by Home Department., (2011) 1 SCC 688
3. *A.S.V.Narayan Rao v Ranamala*, (2013) 10 SCC 741
4. *Abdul Rashid v. State of Bihar* AIR 2001 SC 2422
5. *Abir v Uttar Pradesh*, AIR 2011 SC 354

6. *Afzal Khan v Gujarat*, AIR 2007 SC 2111
7. *AIADMK v. L.K. Tripathi* AIR 2009 SC 1314
8. *Ajay Pandit @ Jagdish Dayabhai v Maharashtra*, (2012) 8 SCC 43
9. *Amit v Uttar Pradesh*, AIR 2012 SC 1433
10. *Anil Kumar v. State of UP* AIR 2004 SC 1662
11. *Amil Sharma v. State of Jharkhand* AIR 2004 SC 2294
12. *Arjancappa v Karnataka*, (2014) 2 SCC 776
13. *Anvar P.V v P.K. Basheer*, AIR 2015 SC 180
14. *Baburao v Basawaraj* AIR 2011 Kar 165
15. *Bani Singh v. Niranjani Singh* AIR 2008 SC 1512
16. *Birju v Madhya Pradesh*, AIR 2014 SC 1504
17. *Biseswar Dandapat v. Saraswati Dei* AIR 2014
18. *Commr. v. Mohan Krishna Abrol* AIR 2004 SC 2060
19. *Dharma Pal v. State of UP* AIR 2008 SC 920
20. *Guru Granth Sahib Shyam v. Meerghat Vanaras* AIR 2013 SC 2024
21. *H. Siddiqui (Dead) by LRs v A.Ramalingam*, AIR 2011 SC 1492
22. *Hardeep Singh v Punjab & Ors.*, 2014 (III) MPRJ (SC) 1
23. *In Re: Adham* 1992 Cr. L.J 2102 (mad)
24. *IOB v. Trioka Textiles Industries* AIR 2007 BOM. 24
25. *J Yashoda v. K. Shobba Rani* AIR 2007 SC 1721
26. *Kalyan Kumar Gogoi v Ashutosh Agnihotri*, AIR 2011 SC 760
27. *Kasam Abdulla Hafiz v. State of Maharashtra* AIR 1998 SC 1415
28. *Laxman v Maharashtra*, (2002) SCC (Ch.) 1491
29. *Life Insurance Corporation of India & Anr. v. Rampal Singh Bisen*, (2010) 4 SCC 491
30. *M. Chandra v. M. Thangamuthu & Anr.*, (2010) 9 SCC 712
31. *Mukthiar Singh v. State of Punjab* Air 2009 SC 1854
32. *Mullagiri Vajram v Arnlha Pradesh*, AIR 1993 SC 1243
33. *Nagappan v State by Inspector of Police, Tamilnadu*, AIR 2013 SC 3298
34. *Nandini Saipathi v P.L. Dani*, (1978) 2 SCC 424
35. *Nandlal Wasudeo Badwaik v Lata Nandlal Badwaik and another*, AIR 2014 SC 932
36. *Narendar Kumar v. State of NCT of Delhi* AIR 2012 SC 2281
37. *Naseem Bano v. State of UP* AIR 1993 SC 2592

38. *Purvinder Singh v. RenuGantham* AIR 2004 SC 2299
39. *Pramod Kumar v State (GNCT) of Delhi*, AIR 2013 SC 3344
40. *Prithpal Singh v Punjab*, (2012) 1 SCC 10
41. *R. Janakiraman v. State* (2006) 1SCC 697
42. *Raj Kumar Singh alias Raju Alias Baiya Vs. State Of Rajasthan*, (2013) 5 SCC 722
43. *Rani swaroop V. State of Rajasthan* AIR 2008 SC 174
44. *Ravinder Singh Gorli v State of UP*, (2006) 5 SCC 584
45. *Rumi Bora Datta v. State of Assam* AIR 2013 SC 2422
46. *Safi Mohd. V. State of Rajasthan* AIR 2013 SC 2519
47. *Samaullah Khan v State of Bihar*, 2013 C.R.I.L.J 1527 (SC)
48. *Samaullah Khan v State of Bihar*, 2013 C.R.I.L.J 1527 (SC)
49. *SBI v. MulaKrishnabaiDeshmukh* (2006) 6 SCC 293
50. *Aloys Wobben v Yogesh Mehra*, AIR 2014 SC 2210
51. *Shanti Kumar Panda v. Shakuntala Devi* AIR 2004 SC 115
52. *Sheikh Baboo v Madanlal Jaiswal* AIR 2012 Ch 155
53. *State of Rajasthan v. Ajit Singh* (2008) 1 SCC 601
54. *Sunil Kumar Sambhudyal Gupta (Dr.) v. State of Maharashtra*, (2010) 13 SCC 657
55. *Tamilnadu v Karuppasamy*, AIR 2009 SC 948
56. *Tejram Patil v Maharashtra*, (2015) 42 SCD 431
57. *Ujagar Singh v State of Punjab*, (2007) 13 SCC 90
58. *Venkataswara Rao v. State of AP* AIR 2003 SC 2546
59. *Vikramjit Singh alias Vicky v State of Punjab*, (2006) (12) SCC 306
60. *Vivek Kumar Chauhan v. State of UP* AIR 2008 SC 780
61. *Vivek Kalra v State of Rajasthan*, 2013 C.R.I.L.J 1524 (SC)
62. *VivekKalra v State of Rajasthan*, 2013 C.R.I.L.J 1524 (SC)



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