

## IL – 404: Law of Evidence

### UNIT-I: Introduction

- a. Introduction to Law of Evidence Generally
- b. The Indian Evidence Act, 1872 — Salient features of the Act
- c. Meaning and kinds of Evidence — Interpretation clause
- d. Objects, Definitions (S.1 – 4) – “Proved”, “Disproved”, “May Presume”, “Shall presume”, “Conclusive proof”
- e. Facts, Facts in issue and Relevant facts (S.5 – 16)
  - a. Distinction between Relevancy and Admissibility
  - b. Doctrine of Res Gestae
  - c. Motive, preparation and conduct
  - d. Conspiracy
  - e. When Facts not otherwise relevant become relevant — Right and custom
  - f. Facts showing the state of mind

### UNIT -II: Admissions and Confessions

- a. Admissions & Confessions: General Principles concerning Admissions —
- b. Differences between "Admission" and "Confession" – (S.17 – 31)
- c. Confessions obtained by inducement , threat or promise – Confessions made to police officer - Statement made in the custody of a police officer leading to the discovery of incriminating material — Admissibility of Confessions made by one accused person against co-accused
- d. Dying Declarations and their evidentiary value — Other Statements by persons who cannot be called as Witnesses — Admissibility of evidence of witnesses in previous judicial proceedings in subsequent judicial proceedings
  - a. (S.32 – 39)

### UNIT -III: Types of Evidence

- a. Relevancy of Judgments — Opinion of witnesses — Expert's opinion — Opinion on Relationship especially proof of marriage — Facts which need not be proved
- b. Oral and Documentary Evidence - General Principles concerning oral evidence and documentary evidence
- c. Primary and Secondary evidence, Electronic Evidence
- d. Presumptions as to documents — General Principles regarding Exclusion of Oral by Documentary Evidence.

## **UNIT -IV: Burden of Proof**

- a. Rules relating to Burden of Proof
- b. Presumption as to Dowry Death
- c. Estoppel — Kinds of estoppel
- d. Res Judicata, Waiver and Presumption.
- e. Competency to testify — privileged communications
- f. Testimony of Accomplice — Examination in Chief, Cross examination and Re-examination — Leading questions — Lawful questions in cross examination — Compulsion to answer questions put to witness — Hostile witness — Impeaching the credit of witness — Refreshing memory — Questions of corroboration — Improper admission and rejection of evidence.

### **Suggested Readings:**

- a. Batuk Lal: The Law of Evidence, 13th Edition, Central Law Agency, Allahabad, 1998.
- b. M. Munir: Principles and Digest of the Law of Evidence, 10th Edition (in 2 vols), Universal Book Agency, Allahabad, 1994.
- c. Vepa P. Saradhi: Law of Evidence 4th Edn. Eastern Book Co., Lucknow, 1989.
- d. Avtar Singh: Principles of the Law of Evidence, 11th Edn. Central Law Publications.
- e. V. Krishnama Chary: The Law of Evidence, 4th Edn. S.Gogia & Company, Hyderabad.
- f. The Law of Evidence, Ratanlal & Dirajlal