

LB-201-Law of Evidence

Prescribed Legislation:

The Indian Evidence Act, 1872

Prescribed Books:

- 1) Vepa P. Sarathi, *Law of Evidence* (6th ed., 2006)
- 2) M. Monir, *Law of Evidence* (14th ed., 2006)
- 3) Ratanlal and Dhirajlal, *The Law of Evidence* (24th ed., 2011)
- 4) Dr. Avtar Singh, *Principles of The Law of Evidence* (22nd ed., 2016)

Topic I: General Issues relating to Law of Evidence

- 1) Re-enactment of past events for deducing blameworthiness or entitlements of the parties is the core enquiry of Evidence Law. Similarities between the historians, authors, media persons and lawyers in their re-enactment of 'past event' enterprise.
- 2) Why rules of evidence have different significance under the Adversarial System and Inquisitorial System of Justice?
- 3) History of statutory Evidence Law in India – Pre and post Indian Evidence Act, 1872 realities – Role of Judiciary, particularly the appellate judiciary in up-dating the Evidence Law rules by judicial creativity.
- 4) Understanding the concepts such as: 'Facts', 'Facts in issue', 'Relevant Fact', 'Evidence-Oral and Documentary', 'Proved', 'Disproved' and 'Not Proved'.
- 5) Relationship between law of Evidence and substantive laws (Criminal and Civil laws) and procedural laws (Code of Criminal Procedure and Civil Procedure Code)

Topic II: Relevancy and Admissibility of Facts

- 1) Logically relevant facts – sections 5-9, 11
- 2) Special class of relevant facts relating to Conspiracy – section 10
- 3) Stated relevant facts:
 - a) Admissions - sections 17-23
 - b) Confessions - sections 24-30
 - c) Dying Declarations - section 32(1)
- 4) Opinion of Third Person when relevant – sections 45-51

Cases:

- 1) *Mirza Akbar v. Emperor*, AIR 1940 PC 176
- 2) *Pulukuri Kottaya v. Emperor*, AIR 1947 PC 67
- 3) *Khushal Rao v. State of Bombay*, AIR 1958 SC 22
- 4) *Badri Rai v. State of Bihar*, AIR 1958 SC 953
- 5) *Aghnoo Nagesia v. State of Bihar*, AIR 1966 SC 119
- 6) *R. M. Malkani v. State of Maharashtra*, AIR 1973 SC 157
- 7) *Ram Narain v. State of U.P.*, AIR 1973 SC 2200
- 8) *Bishwanath Prasad v. Dwarka Prasad*, AIR 1974 SC 117
- 9) *Veera Ibrahim v. State of Maharashtra*, AIR 1976 SC 1167

Topic III: On Proof

- 1) Facts which need not be proved – sections 56-58
- 2) Facts which the parties are prohibited from proving – Doctrine of Estoppel – sections 115-117
- 3) Privileged communications – sections 122-129
- 4) Oral and documentary evidence – sections 59-78
- 5) Exclusion of oral by documentary evidence – sections 91-92

Cases:

- 1) *R. S. Maddanappa v. Chandramma* (1965) 3 SCR 283
- 2) *M.C. Vergheese v. T.J. Ponnann*, AIR 1970 SC 1876
- 3) *State of U.P. v. Raj Narain*, AIR 1975 SC 865

Topic IV: Accomplice Evidence – section 133 read with section 114 (b)

Cases:

- 1) *Bhuboni Sahu v. The King*, AIR 1949 PC 257
- 2) *Haroon Haji Abdulla v. State of Maharashtra*, AIR 1968 SC 832
- 3) *Ravinder Singh v. State of Haryana*, AIR 1975 SC 856

Topic V: Witnesses: Competence and Examinations

- 1) Child Witness – section 118
- 2) Dumb Witness – section 119

- 3) Hostile Witness – section 154
- 4) Examination, cross-examination and re-examination- sections 137-139, 155

Topic VI: Presumptions

Sections 4, 41, 105, 111-A, 112, 113, 113-A, 113-B, 114 and 114-A

* * * * *