LL.B. II TERM

Paper : LB - 201 - Evidence Law

Prescribed Legislation:

The Indian Evidence Act, 1872

Prescribed Books:


I. GENERAL ISSUES RELATING TO LAW OF EVIDENCE (6 periods)

(a) (i) 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.

(ii) Why rules of evidence have different significance under the Adversarial System and Inquisitorial System of Justice?

(b) History of statutory Evidence Law in India – Pre and post Indian Evidence Act, 1872 realities – Role of Judiciary, particularly the appellate judiciary in updating the Evidence Law rules by judicial creativity.


(d) Relationship between law of Evidence and substantive laws (Criminal and Civil laws) and procedural laws (Code of Criminal Procedure and Civil Procedure Code).

II. RELEVANCY AND ADMISSIBILITY OF FACTS (14 periods)

(a) (i) Logically relevant facts – sections 5-9, 11

(ii) Special class of relevant facts relating to Conspiracy – section 10

(b) Stated relevant facts

(i) Admissions - sections 17-23

(ii) Confessions - sections 24-30

(iii) Dying Declarations - section 32(1)

(c) Opinion of Third Person when relevant - sections 45-51
### III. ON PROOF (7 periods)

(a) (i) Facts which need not be proved – sections 56-58

(ii) Facts which the parties are prohibited from proving – Doctrine of Estoppel – sections 115-117

(iii) Privileged communications – sections 122-129

(b) (i) Oral and documentary evidence – sections 59-78

(ii) Exclusion of oral by documentary evidence – sections 91-92


### IV. ACCOMPLOCLE EVIDENCE – section 133 read with section 114 (b) (2 periods)

23. *Bhuboni Sahu v. The King,* AIR 1949 PC 257  
V. WITNESSES : COMPETENCE AND EXAMINATIONS (3 periods)

(a) (i) Child Witness – section 118
(ii) Dumb Witness – section 119
(iii) Hostile Witness – section 154
(b) Examination, cross-examination and re-examination- sections 137-139, 155


VI. PRESUMPTIONS (2 periods)

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


IMPORTANT NOTE:

1. The topics and cases given above are not exhaustive. The teachers teaching the course shall be at liberty to add new topics/cases.

2. The students are required to study the legislations as amended up-to-date and consult the latest editions of books.

3. The Question Paper shall include one compulsory question consisting of five parts out of which four parts will be required to be attempted. The question papers set for the examinations held during 2007-08 and 2008-09 are printed below for guidance of the students.

4. The periods indicated against each topic are the minimum teaching hours.

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LL.B. II Term

Evidence Law

Cases Selected and Edited by

Rajni Abbi
Gunjan Gupta
Shabnam
Belu Gupta
Anju Sinha
Narender Bishnoi
Anil Kumar Vishwakarma
Kajal Jhamb
Rajni Kheria
Neeraj Gupta

FACULTY OF LAW
UNIVERSITY OF DELHI, DELHI-110 007
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