



**BHAGWAN MAHAVIR UNIVERSITY**

**Effective From  
(2023-2024)**

**Bhagwan Mahavir College of Legal Education**

**BBA LL.B course (5 Year)**

**Semester: VII**

Subject Code	Subject Title	Teaching Scheme					
		(Hours/Week)		Credits	Examination Marks		Total Marks
		Theory	Tutorial		Internal	External	
1BL345T	The Bharatiya Sakshya Adhinyam, 2023	4	0	4	50	50	100

**DURATION OF EXAM: 2:30 HOURS**

**COURSE OBJECTIVES :**

<ul style="list-style-type: none"><li>To enable students to understand the principles and application of the Law of Evidence (The Bharatiya Sakshya Adhinyam, 2023) in litigation.</li></ul>
<ul style="list-style-type: none"><li>To build skills in evaluating the accuracy, relevancy, and reliability of evidence.</li></ul>
<ul style="list-style-type: none"><li>To familiarize students with the framework of admissibility, burden of proof, and examination of witnesses under the Bharatiya Sakshya Adhinyam, 2023.</li></ul>
<ul style="list-style-type: none"><li>To prepare students for legal practice by strengthening understanding of evidentiary rules used in both civil and criminal procedures.</li></ul>

**COURSE OUTCOMES:**

Sr. No.	CO statement	Marks % weightage
1	To understand the foundational principles and scope of the Law of Evidence under the Bharatiya Sakshya Adhinyam, 2023, distinguishing it from procedural and substantive laws.	20

**Chairman - BOS**

**Dean- Academics**

**Registrar**

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2	To analyze various types of evidence-oral, documentary, digital-and assess their admissibility and relevancy in judicial proceedings.	<b>20</b>
3	To apply legal principles related to the burden of proof, presumptions, estoppels, and witness examination to practical and theoretical legal problems.	<b>20</b>
4	To evaluate the rules governing the production and effect of evidence in civil and criminal trials, including the latest provisions related to electronic and digital records.	<b>20</b>
5	To develop skills of legal reasoning, logical analysis, and argumentation through evidence-based case evaluation and moot court participation.	<b>20</b>

### DETAIL CONTENT

Sr.No.	Topic	Total Hrs.
<b>UNIT-1</b>	<p><b>1. INTRODUCTION AND FOUNDATIONAL CONCEPTS</b></p> <ul style="list-style-type: none"> <li>• Nature and Scope of Law of Evidence – Distinction between Substantive and Procedural Law</li> <li>• Evidence in Customary Law Systems; Civil and Criminal Procedures</li> <li>• Salient Features and Applicability of Bharatiya Sakshya Adhiniyam, 2023</li> <li>• Definitions: Fact, Fact in Issue, Relevant Fact</li> <li>• Evidence – Oral, Documentary, Proved, Disproved, Not Proved</li> <li>• Presumptions: May Presume, Shall Presume, Conclusive Proof</li> <li>• Admission: Definition, Relevancy, Admissibility, Privileged Admissions, Evidentiary Value (Sections 4–14; 15–21, 25)</li> </ul>	<b>12</b>

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<b>UNIT-2</b>	<b>2. CONFESSIONS AND STATEMENTS BY PERSONS NOT AVAILABLE</b> <ul style="list-style-type: none"><li>• Confession: Meaning, Forms, Relevancy and Admissibility</li><li>• Confession of Co-accused; Information received in custody (Sections 22–24)</li><li>• Dying Declaration: Justification, Judicial Appreciation (Sec. 26(a))</li><li>• Statements of Unavailable Witnesses: Sections 26(b)–(l)</li><li>• Statements under Special Circumstances (Sections 28–33)</li><li>• Relevance of Judgments (Sections 34–38)</li><li>• Expert Testimony: Principles, Types, Electronic Examiner (Sections 39–45)</li></ul>	<b>12</b>
<b>UNIT-3</b>	<b>3. DOCUMENTARY, ELECTRONIC AND CHARACTER EVIDENCE</b> <ul style="list-style-type: none"><li>• Character Evidence in Civil and Criminal Cases (Sections 46–50)</li><li>• Facts Not Required to be Proved; Judicial Notice (Sections 51–53)</li><li>• Oral Evidence – Principles (Sections 54–55)</li><li>• Documentary Evidence: Primary &amp; Secondary Evidence (Sections 56–60)</li><li>• Admissibility of Electronic &amp; Digital Records (Sections 61–63)</li><li>• Proof of Documents (Sections 64–93)</li><li>• Exclusion of Oral Evidence by Documentary Evidence (Sections 94–103)</li></ul>	<b>12</b>
<b>UNIT-4</b>	<b>4. BURDEN OF PROOF AND ESTOPPEL</b> <ul style="list-style-type: none"><li>• General Conception of Onus Probandi (Section 104)</li><li>• General and Special Exceptions (Sections 102–109)</li><li>• Presumptions and Burden of Proof (Sections 110–119)</li><li>• Presumption of Legitimacy of Child</li><li>• Presumption in Dowry Death Cases</li><li>• Estoppel: Definition, Scope, Rationale (Section 121)</li><li>• Types of Estoppel: Equitable, Promissory, Tenancy Estoppel, Estoppel by Bill of Exchange (Sections 122–123)</li><li>• Distinction between Estoppel, Waiver, Res Judicata</li></ul>	<b>12</b>

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<b>UNIT-5</b>	<b>5. EXAMINATION OF WITNESSES AND COURTROOM PRACTICE</b> <ul style="list-style-type: none"> <li>• Competence of Witnesses (Sections 124–127)</li> <li>• Privileged Communications (Sections 128–139)</li> <li>• General Principles of Examination-in-Chief, Cross, and Re examination (Sections 140–169)</li> <li>• Leading Questions (Section 146), Hostile Witnesses (Section 157)</li> <li>• Approver’s Testimony (Section 138)</li> <li>• Compulsion to Answer Questions (Sections 150, 151, 156)</li> <li>• Corroboration and Questions Relating to it (Sections 159–160)</li> <li>• Improper Admission and Rejection of Evidence</li> </ul>	<b>12</b>
	<b>Recommended Readings:</b> <ul style="list-style-type: none"> <li>• Ratanlal &amp; Dhirajlal – Law of Evidence, LexisNexis</li> <li>• Batuk Lal – The Law of Evidence, Central Law Agency</li> <li>• M. Monir – Textbook on the Law of Evidence, Universal Law Publishing</li> <li>• Vepa P. Sarathi – Law of Evidence, Eastern Book Company</li> <li>• Avtar Singh – Principles of the Law of Evidence, Central Law Publications</li> <li>• Relevant Bare Act – Bharatiya Sakshya Adhiniyam, 2023</li> </ul>	

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