

 <p>Estd. 1962 "A⁺⁺" Accredited by NAAC (2021) With CGPA 3.52</p>	<p>SHIVAJI UNIVERSITY, KOLHAPUR 416 004, MAHARASHTRA PHONE : EPABX - 2609000, BOS Section - 0231-2609094, 2609487 Web : www.unishivaji.ac.in Email: bos@unishivaji.ac.in शिवाजी विद्यापीठ, कोल्हापूर, ४१६ ००४, महाराष्ट्र दूरध्वनी - इपीबीएक्स - २०६०९०००, अभ्यासमंडळे विभाग : ०२३१- २६०९०९४. २६०९४८७ वेबसाईट : www.unishivaji.ac.in ईमेल : bos@unishivaji.ac.in</p>		
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जा.क्र./शिवाजी वि./अ.मं./विधी/५१०
प्रति,

दि.१८/०९/२०२४

मा. प्राचार्य,
सर्व संलग्नित विधी महाविद्यालये,
शिवाजी विद्यापीठ, कोल्हापूर

विषय : तीन व पाच वर्षीय विधी अभ्यासक्रमात नवीन विषय समाविष्ट करण्यात आलेबाबत..

महोदय,

उपरोक्त संदर्भिय विषयास अनुसरुन आपणास कळविण्यात येते की, बार कौन्सिल ऑफ इंडिया यांच्या परिपत्रकाद्वारे तीन व पाच वर्षीय विधी अभ्यासक्रमात खालील प्रमाणे नवीन विषय शैक्षणिक वर्ष 2024-25 पासून समाविष्ट करण्यास विद्यापीठ अधिकार मंडळाने मान्यता देण्यात आलेली आहे.

1	LL.B. (Three Year) Part I Sem.I	Law of Crimes I The Bhartiya Nyaya Sanhita
2	LL.B. (Three Year) Part III Sem.V	The Bhartiya Sakshya Adhinyam, 2023
3	LL.B. (Three Year) Part III Sem.VI	Law of Crimes II The Bhartiya Nagarik Suraksha Sanhita, 2023
4	LL.B. (Five Year Pre Law) Part III Sem. V	Law of Crimes I The Bhartiya Nyaya Sanhita
5	LL.B. (Five Year Pre Law) Part V Sem. IX	The Bhartiya Sakshya Adhinyam, 2023
6	LL.B. (Five Year Pre Law) Part V Sem. X	Law of Crimes II The Bhartiya Nagarik Suraksha Sanhita, 2023

तीन वर्षीय एल.एल.बी. च्या प्रथम वर्ष सत्र 1 व पाच वर्षीय एल.एल.बी च्या तृतीय वर्ष सत्र 5 मधील IPC ऐवजी BNS.

तीन वर्षीय एल.एल.बी च्या तृतीय वर्ष सत्र 5 व वर्षीय एल.एल.बी. च्या पाचवे वर्ष सत्र 9 मधील CRPC ऐवजी BSA 2023.

तीन वर्षीय एल.एल.बी च्या तृतीय वर्ष सत्र 6 व पाच वर्षीय एल.एल.बी. च्या पाचवे वर्ष सत्र 10 मधील Indian Evidnce Act ऐवजी BNSS असे विधी अभ्यासक्रमात सामाविष्ट करण्यात आले आहेत.

सदर माहिती संबंधित सर्व विद्यार्थी, शिक्षक व संबंधितांच्या निदर्शनास आणून द्यावी.
कळावे,

आपला विश्वासू.

(डॉ. एस. एस. कुबल)

उपकुलसचिव

सोबत : अभ्यासक्रमाची प्रत.

प्रत : माहितीसाठी व पुढील योग्यत्या कार्यवाहीसाठी.

अधिष्ठाता, मानवविज्ञान विद्याशाखा.	पात्रता विभागास.
अध्यक्ष, विधी अस्थायी मंडळ.	पी.जी. सेमिनार विभागास.
संचालक, परीक्षा व मुल्यमापन मंडळ कार्यालयास.	पी.जी. प्रवेश विभागास.
परिक्षक नियुक्ती ए व बी विभागास.	संलग्नता टी. १ व टी २ विभागास.
इतर परीक्षा एक विभागास.	नॅक विभागास.
संगणक केंद्र/आय. टी. सेल विभागास.	

SHIVAJI UNIVERSITY, KOLHAPUR



Established: 1962

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New Syllabus For

Faculty of Humanities

(LL.B.-Three Year)

IIIrd year LL.B.

Sem V Paper-II

The Bhartiya Sakshya Adhinyam, 2023

(Paper - II)

(CBCS)

(To be implemented from Academic Year 2024-25)

The Bhartiya Sakshya Adhiniyam, 2023 (Paper - II)

Objectives of the Course:

The Bhartiya Sakshya Adhiniyam of 2023 is the very basis of the administration of justice. It is the basis of Rule of Law in all democratic states. It is an indispensable part of both substantive and procedural law. It imparts credibility to the adjudicatory process by indicating the degree of veracity to be attributed to facts before the forum.

This paper enables the student to appreciate the concepts and principles understanding the Bhartiya Sakshya Adhiniyam of 2023 and identify the recognized form of Evidence and its sources. The subject seeks to impart the student the skills of examination and appreciation of oral and documentary evidence in order to find out the truth.

The new evidence act aims to align the legal system with the aspirations and requirements of the modern populace. Its primary objective is to create and consolidate all-encompassing rules and standards of evidence to ensure a fair judicial process.

The art of examination and cross examination and the shaping nature of burden of proof are crucial topics. In the beginning of the present century several amendments have been made to meet new social conditions. As a result of recommendations by the U.N. General Assembly in 1997, The Information Technology Act, 2000 was passed. It has made extensive changes in the act to provide legal recognition to transaction carried out by means of electronic data exchange and other means of electronic communications. The concepts brought in by amendments to the Bhartiya Sakshya Adhiniyam of 2023 are significant part of study in this course.

Programme out Come-

- 1) Understand the Concept and principles of Bhartiya Sakshya Adhiniyam of 2023
- 2) Identify the recognized form of Sakshya and it's sources.
- 3) Develop skill of examination and appreciation of oral and documentary sakshya in order to find out the truth.
- 4) Analyse and evaluate the rules governing examination of witnesses.

Teaching Learning Methods:

Lecture method, group discussion and interactive sessions of learning is the best method of teaching and learning.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation: 20 Marks

Viva Voce College Level: 10 Marks

30 Marks

SYLLABUS:

Unit-I: Nature & Functions of the Law of Evidence

1.1 Origin and Development of The Bhartiya Sakshya Adhiniyam of 2023 during Ancient, Medieval, British Period.

1.2 Salient features of the The Bhartiya Sakshya Adhiniyam of 2023.

1.3 Important concepts under of The Bhartiya Sakshya Adhiniyam of 2023. (Sec.1-2)

- Court, Evidence, Facts, Facts in issue, Relevant Facts, Proved, Disproved and Not Proved.

- Presumptions – May Presume, Shall Presume and Conclusive Proof.

1.4 Relevancy and Admissibility of Facts, Appreciation of Evidence.

- -Rules of Evidence with special reference to other Acts i.e., CPC, Bharatiya Nagarik Suraksha Sanhita, 2023 and Information Technology Act, 2000.

Unit-II: The Relevancy of Facts (Ss 3-14)

2.1 Relevancy of Facts connected with facts in issue: (Sec.4 to 14)

- Doctrine of Res Gestae
- Occasion, cause and effect
- Motive, Preparation and Conduct
- Facts necessary to explain or introduce relevant facts – Identification Parade
- Facts to prove existence of Conspiracy -Common Intention
- Plea of Alibi, Proof of Custom, Facts concerning and Business.

2.3 Rules relating to Admissions: (Sec.15 to Sec. 21 and Sec. 25)

- Definition of Admission, Nature and Scope of Admissions, Formal and Informal Admissions, Vicarious Admissions, Proof of Admissions and its Propositions, when Admissions in Civil Cases are relevant.

2.4 Rules relating to Confession: (Sec. 22 to 24)

- Definition of Confession, Extra Judicial Confessions and Judicial confessions, Sec. 24 its importance, Retracted confession, Evidentiary Value of confession

2.5 Differences between Admissions and Confession.

Unit-III: Theory of Relevancy of Statements, Judgments and Opinion: (Ss 26 to Ss 50)

3.1 Relevancy of Statements made by Person Who cannot be called as witness-

- Dying declaration, evidentiary value of Dying Declaration. Sec. 26(1)
- Statements made in different circumstances Sec. 26 (b) to Sec. 26 (h)

3.2 Relevancy of Statements made under special circumstances (Sec28 to Sec. 32)

3.3 Relevancy of Judgments of Courts (Sec. 34 to Sec. 38)

3.4 Relevancy of Opinion of Third Persons witnesses (Sec. 39 to Sec. 45)

3.5 Relevancy of Character of the parties in civil cases and criminal proceedings (Sec. 46 to Sec. 50)

Unit-IV: Various Modes of Proof of Facts (Ss. 51 to Ss 103)

4.1 Facts which need not to be proved (Sec. 51 to Sec. 53)

4.2 Proof of Facts by oral Evidence (Sec. 54 to Sec. 55)

4.3 Proof of Facts by Documentary Evidence (Sec. 56 to Sec. 73)

4.4 Kinds of Documents and its proof (Sec. 74 to Sec. 77)

4.5 Presumption as to Documents (Sec. 78 to Sec. 93)

4.6 Of the exclusion of oral by Documentary Evidence (Sec. 94 to Sec. 103)

Unit-V: Production and Effect of Evidence-Burden of proof and Estoppels (Ss. 104-123)

5.1 Meaning of Burden of Proof

5.2 General Rules of Burden of Proof (Sec. 104 to Sec. 108)

5.3 Specific Rules of Burden of Proof (Sec. 109 to Sec. 120)

5.4 Principles of Estoppel (Sec. 121)

- Estoppel and Admission, Estoppel and Waiver, Estoppel and Fraud
- Estoppel and its applications: Estoppel by Record, Estoppel by Deed
- Estoppel in Pais, Promissory Estoppel, Constructive Estoppel.

5.5 Specific Estoppel between tenant and Licensee (Sec. 122)

- Estoppel of Acceptor of bill of Exchange, bailee or Licensee (Sec. 123)

Unit-VI: Production & Effect of Evidence – Competency and Compellability of witnesses (Ss.124-139)

6.1 Meaning, Nature and Role of witness

6.2 Competency of witnesses (Sec. 124 to 128)

- Who are competent witnesses? Tender years (child witness), Extreme Old age, Diseased whether body or mind, cause of any other kind.
- Dumb Witness
- Husband and Wife, Parties to Suit or Proceeding
- Judges and Magistrate

6.3 Compellability of Witnesses-Privileged communication (Sec. 128 to 137)

6.4 Evidence of Accomplice (Sec. 138 to Sec. 139)

6.5 Witness protection-The new Paradigm

Unit-VII: General Principles of Examinations of Witnesses-(Ss.140-169)

7.1 Examination in chief, cross examination and Re-examination, order of Examination witness character, Examination of witness (Sec. 140 to Sec. 145)

7.2 Leading questions (Sec. 146 to Sec. 147)

7.3 Refreshing memory (Sec. 162 to Sec. 164)

7.4 Impeaching the credit of witness (Sec. 158)

7.5 Rejection of Evidence (Sec. 169)

Unit-VIII: Evaluation of Evidence

8.1 In Civil and Criminal cases

8.2 By Tribunals, Administrative Tribunals

8.3 By Quasi-Judicial authorities and commissions of Enquiry

8.4 By person a Designate

8.5 By Disciplinary Authorities

8.6 In wills, Appeals, Second Appeal and Revision

References:

- 1) Bare Act of The Bhartiya Sakshya Adhiniyam, 2023