



# SHRI DAVARA UNIVERSITY

## LL.B.

### Second Semester Syllabus Teaching and Examination Scheme

Sl No.	Category	Subject Code	Subject Name	Hours Per week			Total Credits	Examination Scheme				
				L	T	P		Theory Marks	Practical (Internal)	Practical (External)	Total	
												C
1	Compulsory Course 06	LLBSDUTCC106	JURISPRUDENCE	3	1	-	4	70	30	-	-	100
2	Compulsory Course 07	LLBSDUTCC107	LAW OF CONTRACT – II ,SALES OF GOODS ACT & INDIAN PARTNERSHIP ACT	3	1	-	4	70	30	-	-	100
3	Compulsory Course 08	LLBSDUTCC108	LAW OF CRIMES – II	3	1	-	4	70	30	-	-	100
4	Compulsory Course 09	LLBSDUTCC109	CONSTITUTIONAL LAW – II	3	1	-	4	70	30	-	-	100
5	Compulsory Course 10	LLBSDUTCC110	LAW OF EVIDENCE	3	1	-	4	70	30	-	-	100
<b>Total Credit</b>							<b>20</b>	<b>350</b>	<b>150</b>			<b>500</b>

\*L- Lecture, P- Practical, C -Credit, IA-Internal Assessment, ESE- End Semester Examination.



# SHRI DAVARA UNIVERSITY

<b>NAME OF THE PROGRAMME/SEMESTER: LL.B/ II</b>	<b>BRANCH: LAW</b>
<b>NAME OF THE SUBJECT: JURISPRUDENCE</b>	<b>SUBJECT CODE: LLBS DUTCC106</b>
<b>TOTAL MARKS FOR EVALUATION: 100</b>	<b>NO. OF CONTACT HOURS: 60</b>

## **COURSE OBJECTIVE:**

Jurisprudence is about concepts, theories and philosophies of law. Jurisprudence as a course may be considered as the mother of all law subjects. The primary understanding of law is as a tool to regulate interpersonal transactions. There are numerous faculties which regulate such transactions; culture, morality and religion but only law seems to be a formal mechanism with the most obligatory rules. The study of Jurisprudence focuses on finding an answer to; what is law? What is its relationship with society? Both the questions seem to be interrelated and may have numerous answers. There are two approaches; law is autonomous, and law is integral to society. The jurists over the time have attempted to propose a definite approach for better understanding of these imperative questions and to find appropriate answers. The approaches are premised over diverse philosophies, and they establish different schools of thoughts, Natural Law, Positivism, Historical, Sociological, Realism etc.

The most enduring questions in law constitute the subject matter of Jurisprudence. The study of Jurisprudence attempts to find the nature of law, its relationship with sovereignty, its relationship with society and how it assumes the status of an obligation, does it possess a moral content? How the evolution of Jurisprudence through different schools of thought has contributed to development and design of various legal systems, how laws are to be interpreted and how far the state can interfere in individual choices; these are not just questions of politics but equally of jurisprudence.

This course shall examine the conceptual and practical implications of Jurisprudence and its influence and contribution in the practice of law. The students shall be introduced to the inquiry of how law is understood through centuries and continued to be understood in this contemporary world. The course shall also endeavor to train the students to critically evaluate the laws and their functions in the contemporary legal system.

## **Relevance of Curriculum to local, regional, national, and global development needs**

<b>Parameter</b>	<b>Needs Addressed by this Course</b>
<b>Global</b>	Goal Nos. 4
<b>National</b>	Goal Nos. 16
<b>Regional</b>	Goal Nos. 1
<b>Local</b>	Goal Nos. 1

## **COURSE OUTCOME (CO)s:**

**The student upon completion of the course will be able to:**

- CO-1: Describe the nature and scope of Jurisprudence.
- CO-2: Understand various schools of Jurisprudence.
- CO-3: Understand legal concepts and jural relation.
- CO-4: Analysis the concept and theories of Justice.



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UNITWISEDETAILS	(CO)	BLOOM'S TAXONOMY	CONTACT HOURS	CURRICULA RELEVANT TO LOCAL, REGIONAL, NATIONAL AND GLOBAL DEVELOPMENT NEEDS
<p><b>UNIT- I</b> <b>INTRODUCTION</b> Nature and Scope of Jurisprudence – Distinction between a Concept and a Theory – Nature and Definition of Law – Definitions from Greeks till twenty first century – Brief history of the changes in the society that affected the dominance of one school of thought due to the specific need of that society.</p>	CO-1	Remembering Understanding	10	GDG NO. 4 NDG NO. 16 RDG NO. 1 LDG NO. 1
<p><b>UNIT-II</b> <b>SCHOOLS OF JURISPRUDENCE</b></p> <ol style="list-style-type: none"> <li>Classical Era of Natural Law – Socrates, Plato, Aristotle, St. Augustine, St. Thomas Aquinas – Relationship between Human law and Divine law – Social Contract Theories – Hobbes, Locke, Grotius – Revival of Natural Law (Lon L. Fuller).</li> <li>Legal Positivism – Jeremy Bentham-Utilitarianism – Austin’s Analytical Theory of Law – H.L.A. Hart’s Concept of Law – Internal and External Views towards Obligation – Law as Union of Primary and Secondary Rules of Obligation – Rules of Recognition – The Relationship and Separation between Law and Morality – The Minimum Moral Content – Soft positivism.</li> <li>Pure Theory of Law – German Transcendental Idealism – Immanuel Kant – Is and Ought difference – David Hume and his Realistic Approach towards Ought and how it is not derived from an Is – Hans Kelsen – Pure Theory of Law – Kelsen’s Grundnorm –</li> </ol>	CO-2	Remembering Understanding Analysing	20	GDG NO. 4 NDG NO. 16 RDG NO. 1 LDG NO. 1



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<p>Grundnorm and the Normative Order – Revolution and Change a Search of First Usurper in History and Role of Court’s in Such Change.</p> <p>4. Historical and Sociological Schools – Historical School – Reaction to Natural Law School – Karl Von Savigny – Organic Development of Law – Custom as the Source of Law – The laws are Found in the Practice of the People (Volksgeist) – Sociological school – Roscoe Pound – Social Engineering Theory – Sociological Utilitarianism – Pound’s Jural Postulates.</p>				
<p><b>UNIT-III</b> <b>LEGAL CONCEPTS AND JURAL RELATIONS</b> Historical Development of Rights and Duties – The Enquiry on Rights through Centuries of its Development Ultimately Demonstrating Individual as the Bearer of Rights – Rights Definition, Theories and Classification – Jural Relations: W.N. Hohfeld – Hohfeld’s Analysis of the Concept of ‘Rights’ – The Analysis as Applied in Judicial Reasoning. The Modern Conception of Right and its Marxist Critique – Lord Bhiku Parekh – Unique Features of Right – Allen Buchanan – Concept of Property – Right to property – Juristic Person as Bearer of Rights – Concept of possession – Concept of ownership</p>	CO-3	Remembering Understanding	15	GDG NO. 4 NDG NO. 16 RDG NO. 1 LDG NO. 1
<p><b>UNIT-IV</b> <b>CONCEPT AND THEORIES OF JUSTICE</b> Justice in Greek Mythology and Philosophy – Historical Conception of Justice – Aristotle’s Universal and Particular Justice – Social Contract Theories and its Influence on Modern Concept of Justice – Libertarian and Egalitarian Aspects of Justice. John Rawls’ Theory of Justice – Distributive justice – Maximin Principle – Robert Nozick’s Entitlement Theory of Justice – Highlights of the Strong Points of the Two Aspects (Liberty and Equality) in Understanding Justice. Concept of Economic Justice propounded by Amartya Sen</p>	CO-4	Remembering Understanding	15	GDG NO. 4 NDG NO. 16 RDG NO. 1 LDG NO. 1



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**Textbooks:**

- Wayne Morrison, Jurisprudence: From Greeks to Post-modernism (1997) Reprint (2016) Routledge
- R.W.M. Dias, Jurisprudence, (2013), Indian Reprint, Lexis Nexis
- M.D.A Freeman (ed.), Lloyd's Introduction to Jurisprudence, (1994), Sweet & Maxwell
- Edger Bodenheimer, Jurisprudence: The Philosophy and Method of Law (1974) Harvard University Press
- Lon L. Fuller, The Morality of Law (1965) Yale University Press
- H.L.A. Hart, The Concept of Law (1961), Reprint (2014) Oxford University Press
- Ronald Dworkin, Law's Empire (1998) Hart Publishing
- John Austin, Province of Jurisprudence Determined (1832), Reprint (2018) Franklin Classics Trade Press
- Amartya Sen, The Idea of Justice, PENGUIN INDIA; First Edition (1 January 2010)



# SHRI DAVARA UNIVERSITY

<b>NAME OF THE PROGRAMME/SEMESTER: LL. B / II</b>	<b>BRANCH: LAW</b>
<b>NAME OF THE SUBJECT - LAW OF CONTRACT – II ,SALES OF GOODS ACT &amp; INDIAN PARTNERSHIP ACT</b>	<b>SUBJECTCODE: LLBSDUTCC107</b>
<b>TOTAL MARKSFOR EVALUATION:100</b>	<b>NO. OF CONTACT HOURS: 60</b>

**COURSE OBJECTIVE:** This course shall be taught after the students have been familiarized with the general principles of Contract in which the emphasis is on understanding and appreciating the essentials of a valid Contract and on the existence of Contractual relationship in various instances. Obviously, Contract Law assumes special significance to suit changes in society. These special Contracts are studied in the light of statutory provisions and decisional Law. With the invent of globalization in various sectors of economy today and need specialized legal Professionals due to huge contractual requirements, joint venture Partnerships and the like, Therefore, this Course of Special Contracts provides an insight into the justification for special statutory provisions for certain kind of Contracts.

### **Relevance of Curriculum to local, regional, national, and global development needs**

<b>Parameter</b>	<b>Needs Addressed by this Course</b>
<b>Global</b>	Goal Nos. 4, 8, 17
<b>National</b>	Goal Nos. 2, 5, 12, 16
<b>Regional</b>	Goal Nos. 1
<b>Local</b>	Goal Nos. 1, 5

### **COURSE OUTCOME (CO) s:**

The student upon completion of the course will be able to;

CO-1: Define the context and rational of specific contracts of Indemnity & Guarantee. And determine the usage of Principles and the rights of the parties under Bailment & Pledge

CO-2: Identify the relation of contract of agency with our day-to-day commercial activities and their impact on social & economic front.

CO-3: Identify the relevant legal issues involved in Sale of Goods Act and its applicability.

CO-4: Apply the relevant principles, legal provisions and the case laws in Partnership Act to the legal issues in Contractual dealings and construct a coherent and effective argument for dispute resolution.



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UNITWISEDETAILS	(CO)	BLOOM'S TAXONOMY	CONTACT HOURS	CURRICULA RELEVANT TO LOCAL, REGIONAL, NATIONAL AND GLOBAL DEVELOPMENT NEEDS
<b>UNIT-I</b> <b>INDEMNITYANDGUARANTEE/BAILMENTAND PLEDGE</b> Meaning, Distinction between Indemnity and Guarantee, Right / Duties of Indemnifier, Indemnifiedand Surety, Discharge of Surety, Kinds of Guarantee, Bailment and Pledge: Meaning and Distinction,RightsandDutiesof Bailor/Bailee,Pawnor/Pawnee, Lien,TerminationofBailment.	CO-1	Remembering Understanding Applying	20	GDG NO. 4, 8 NDG NO. 16 RDG NO. 1 LDG NO. 1
<b>UNIT-II</b> <b>AGENCY</b> Definitions of Agent and Principal, Appointment of an Agent, Authority of an Agent, Creation ofagency: by agreement, Ratification and law, Relation of principal / agent, subagent and substitutedagent, Ratification of Agents Authority, Revocation of Agency Authority, Effects of Agency onContractswiththirdperson,PersonalLiabilityofagents ,Terminationofagency.	CO-2	Remembering Understanding Applying	10	GDG NO. 4 NDG NO. 2, 16 RDG NO. 1 LDG NO. 1
<b>Case Laws:</b> <ul style="list-style-type: none"> <li>• <i>NarandasMorardasGajiwalav.SPAMPapammal,AIR1967SC333</i></li> <li>• <i>KuchwarLimeandStoneCo.v.DehriRohtasLightRly.&amp;Co.Ltd.,AIR1969SC193</i></li> <li>• <i>LakshminarayanRamGopalv. Govt.ofHyderabad,AIR1954SC367</i></li> <li>• <i>SnowWhiteIndl. Corpn.v. CollectorofCentralExcise,AIR1989SC1555</i></li> <li>• <i>K.D.Kamath&amp;Co.v.CIT(1971)2SCC873 01</i></li> <li>• <i>Coxv.Hickman(1860)8H.L.C.26810</i></li> <li>• <i>Mollwo, March&amp;Co.v.TheCourtofWards(1872)L.R.4 P.C.419</i></li> </ul>				
<b>UNIT- III</b> <b>SALES OF GOODS ACT 1930</b> Contract of Sale: Nature and definition, Conditions and Warranties, Transfer of Property and Title,Performanceofthecontracts, rights of unpaidseller,suitforbreachof contract.	CO-3	Remembering Understanding Applying	15	GDG NO. 4, 8 NDG NO. 2, 16 RDG NO. 1 LDG NO. 1



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## Case Laws:

- *Commr. of Commercial Taxes v. Hindustan Aeronautics Ltd., AIR 1972 SC 744: (1972) 1 SCC 395 142*
- *Sentinel Rolling Shutters & Engg. Co. (P) Ltd. v. CST, AIR 1978 SC 545: (1978) 4 SCC 260 145*
- *Northern India Caterers (India) Ltd. v. Lt. Governor of Delhi (1978) 4 SCC 36 & (1980) 2 SCR 650 152*
- *State of Karnataka v. Udi P. Krishna Bhawan (1981) 3 SCC 76 155*
- *Larsen & Toubro Ltd. v. State of Karnataka, (2014) 1 SCC 708 156*
- *Kone Elevators v. State of Tamil Nadu (2014) 7 SCC 1 179*
- *State of Karnataka and Ors. v. Pro Lab and Ors. AIR 2015 SC 1098*

## UNIT-IV

### THE INDIAN PARTNERSHIP ACT, 1932

Nature of partnership firm, Relation of partner to one another and outsiders, Rights/Duties of partners inter se, Partnership Property: Relation of Partner to third parties, Liability for holding out, Minor as a partner; Incoming and outgoing partners, Dissolution of Partnership Firm, Modes of Dissolution, Consequences of dissolution, Registration of firms and effects of non-registration.

CO-4

Remembering  
Understanding  
Applying

15

GDG NO. 4, 8, 17  
NDG NO. 2, 16  
RDG NO. 1  
LDG NO. 1

## Case Laws:

- *CIT v. Jaylakshmi Rice & Oil Mills Contractor Co., AIR 1971 SC 101 549*
- *Jagdish Chandra Gupta v. Kajaria Traders (India) Ltd., AIR 1964 SC 188 252*
- *Haldiram Bhujawal v. Anand Kumar Deepak Kumar (2000) 3 SCC 250 56*
- *Saligram Ruplal Khanna v. Kanwar Rajnath, AIR 1974 SC 109 463*
- *Santiranjan Das Gupta v. Dasuram Murzamull, AIR 1973 SC 48 73*
- *M/s. Juggilal Kamlat v. M/s. Sew Chand Bagree, AIR 1960 Cal. 463 76*
- *Sharad Vasant Kotak v. Ramniklal Mohanlal Chawda (1998) 2 SCC 171 79*
- *S. V. Chandra Pandian v. S. V. Sivalinga Nadar (1993) 1 SCC 589*



# SHRI DAVARA UNIVERSITY

NAME OF THE PROGRAMME/SEMESTER: LL. B/ II	BRANCH: LAW
NAME OF THE SUBJECT: LAW OF CRIMES – II	SUBJECT CODE: LLBSDUTCC108
TOTAL MARKS FOR EVALUATION: 100	NO. OF CONTACT HOURS: 60

## COURSE OBJECTIVE:

In the absence of effective enforcement machinery, the substantive Criminal Law which defines offences and provides punishments for them, would be almost worthless. Therefore, the need of the BharatiyaNagarik Suraksha Sanhita. The present course intends at acquainting the students with the various prejudicial and judicial procedures. This course also includes the rights and duties of those proceeded against and the powers, duties and restraints on those administering the criminal judicial process.

## Relevance of Curriculum to local, regional, national, and global development needs

Parameter	Needs Addressed by this Course
Global	Goal Nos. 4, 5, 10, 16
National	Goal Nos. 14, 16
Regional	Goal Nos. 1
Local	Goal Nos. 1

## COURSE OUTCOME (CO)s:

**The student upon completion of the course will be able to:**

CO-1: Understand the concept of Fair Trial that has been aligned with Constitutional Provisions.

CO-2: Understand the procedure of Trial and the procedure that leads to trial including FIR, Investigation, Arrest, Bail, etc.

CO-3: Understand Charge and common features relating to trial.

CO-4: Analysis Criminal Trial, Judgement, Execution of judgements, Appeal and Revision.

CO-5: Describe various others miscellaneous procedures like Limitation, Maintenance provisions; Probation of Offenders Act; Juvenile Justice Act.



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UNITWISEDETAILS	(CO)	BLOOM'S TAXONOMY	CONTACT HOURS	CURRICULA RELEVANT TO LOCAL, REGIONAL, NATIONAL AND GLOBAL DEVELOPMENT NEEDS
<p><b>BHARATIYA NAGARIK SURAKSHA SANHITA,2023</b></p> <p><b>UNIT-I</b> <b>INTRODUCTION</b></p> <p>1. The importance of Fair Trial - constitutional perspectives of fair trial: Articles 14, 20, 21</p> <p>2. Section – 2: Definitions; classes of Criminal Courts: Sections 6 to 13 including their powers and jurisdiction</p> <p>3. The organization of Police, Prosecutor, Defense Counsel and Prison Authorities along with their duties, functions and powers.</p>	CO-1	Remembering Understanding	10	GDG NO. 4, 5, 10, 16 NDG NO. 14, 16 RDG NO. 1 LDG NO. 1
<p><b>Case Laws:</b></p> <ul style="list-style-type: none"> <li>• <i>Maneka Gandhi v. Union of India</i></li> <li>• <i>ZahiraHabibullah Sheikh and ors. v/s. The state of Gujarat and ors</i></li> <li>• <i>Himanshu vs State of MP</i></li> <li>• <i>Mrs. KalyaniBaskar vs Mrs. M. S. Sampooram</i></li> <li>• <i>TattuLodhi v. State of Madhya Pradesh</i></li> </ul>				
<p><b>UNIT-II</b> <b>TRIAL PROCESSES</b></p> <p>1. FIR, Arrest and Bail provisions, bonds</p> <p>2. Process to compel appearances and production of things</p> <p>3. Search and seizure – search warrants, search without warrants, police search during investigations, general principles of search, seizure and constitutional aspects of validity of search and seizure proceedings.</p>	CO-2	Remembering Understanding Applying	10	GDG NO. 4, 16 NDG NO. 14, 16 RDG NO. 1 LDG NO. 1



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<b>Case Laws:</b> <ul style="list-style-type: none"> <li>• <i>Gurbaksh Singh Sibbia V. State of Punjab</i></li> <li>• <i>SalauddinAbdulsamad Shaikh V. The State of Maharashtra</i></li> <li>• <i>D.K. Basu v. State of West Bengal</i></li> <li>• <i>Sheela Barse v. State of Maharashtra</i></li> <li>• <i>V. S. Kuttan Pillai v. Ramakrishnan</i></li> </ul>				
<b>UNIT-III</b> <b>CHARGE AND COMMON FEATURES RELATING TO TRIALS</b> 1. Form of Charge, joinder of charges, alteration of charge, basic rule regarding charge and its trial, withdrawal of charges, effect of error in the charge. 2. Language of Courts, decision on evidence partly recorded by one judge or magistrate and partly by another 3. Summary procedure to deal with certain cases of perjury and certain kinds of contempt of court 4. Evidence in inquiries and trials, general provisions as to inquiries and trials.	CO-3	Remembering Understanding Applying	15	GDG NO. 4, 16 NDG NO. 14, 16 RDG NO. 1 LDG NO. 1
<b>Case Laws:</b> <ul style="list-style-type: none"> <li>• <i>Vibhubti Narayan Chaubey v. State of UP</i></li> <li>• <i>Bhagabat Das v. The State of Orissa</i></li> <li>• <i>State of Madhya Pradesh v. Budhram</i></li> <li>• <i>ZahiraHabibullah Sheikh v. State of Gujarat</i></li> <li>• <i>Kartar Singh v. State of Punjab</i></li> </ul>				
<b>UNIT-IV</b> <b>CRIMINAL TRIALS, EXECUTION PROCEEDINGS AND REVIEW PROCEDURES</b> 1. Trial; Court of Sessions, Trial of warrant case by magistrate, Trial of Summons Case, Summary Trial 2. Judgment, submission of death sentence for confirmation, 3. Execution, suspension, remission and commutation of sentences 4. Appeal, Review and Reference.	CO-4	Remembering Understanding Analysing	10	GDG NO. 4, 16 NDG NO. 14, 16 RDG NO. 1 LDG NO. 1



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<p>5. Maintenance of wives, children and parents</p> <p>6. Transfer of criminal cases</p> <p>7. Irregular proceedings</p> <p>8. Limitations for taking cognizance</p> <p>9. Security for keeping peace and for good behavior</p> <p>10. Probation of Offenders Act- Salient features</p> <p>11. Juvenile Justice (Care &amp; Protection of Children) Act 2015. Concept of juvenile delinquency, juvenile court system, treatment and rehabilitation of juveniles, law for protection of juvenile offenders</p>				
<p><b>Case Laws:</b></p> <ul style="list-style-type: none"><li>• <i>Shivaji Sampat Jagtap vs. Rajan Hiralal Arora</i></li><li>• <i>Bacchan Singh v. State of Punjab</i></li><li>• <i>Ishwarbhai Hirabhai Churana vs the State of Gujrat</i></li><li>• <i>Yakub Memon v. State of Maharashtra</i></li><li>• <i>Shatrughan Chauhan v. Union of India</i></li></ul>				
<p><b>Case Laws:</b></p> <ul style="list-style-type: none"><li>• <i>Mohd. Ahmed Khan v Shah Bano Begum</i></li><li>• <i>Pandurang Bhaurao Dabhade v Baburao Bhaurao Dabhade</i></li><li>• <i>Jugal Kishore Prasad v. State of Bihar</i></li><li>• <i>Sampurna Behura v. Union of India</i></li><li>• <i>Re Contagion of COVID-19 virus in Children's Protection Homes</i></li></ul>				

**Textbooks:**

- Ratan Lal and Dheeraj Lal, Criminal Procedure Code
- D.D. Basu, Criminal Procedure Code
- R.V. Kelkar, Lectures on Criminal Procedure Code
- R.V. Kelkar, Code of Criminal Procedure
- Chandrasekharan Pillai (ed.) Kelkar's Outlines of Criminal Procedure (2001), Eastern, Lucknow.



# SHRI DAVARA UNIVERSITY

NAME OF THE PROGRAMME/SEMESTER: LL.B/ II	BRANCH: LAW
NAME OF THE SUBJECT - CONSTITUTIONAL LAW – II	SUBJECT CODE: LLBSDUTCC109
TOTAL MARKS FOR EVALUATION: 100	NO. OF CONTACT HOURS: 60

**COURSE OBJECTIVE:** The course aims at analyzing constitutional institutions, its powers, limitations and interrelationships with one another and seeks to mold a frame of mind in the student to appreciate and assess constitutional policy and changes for the future.

### Relevance of Curriculum to local, regional, national, and global development needs

Parameter	Needs Addressed by this Course
Global	Goal Nos. 4, 16
National	Goal Nos. 16
Regional	Goal Nos. 1
Local	Goal Nos. 1

### COURSE OUTCOMES (CO)s:

**The student upon completion of the course will be able to;**

CO-1: Explain the nature of the federal polity and the various powers and limitations imposed on the Executive wing of the union and state.

CO-2: Express the various essential qualifications and limitations of the power of the Legislative wing of Union and State

CO-3: Identify the various powers and jurisdictions of the Union and State Legislative, Executive and Judicial system.

CO-4: Analyze the powers of the government in declaring emergency and amending the Constitution.

UNITWISE DETAILS	(CO)	BLOOM'S TAXONOMY	CONTACT HOURS	CURRICULARELEVANT TO LOCAL, REGIONAL, NATIONAL AND GLOBAL DEVELOPMENT NEEDS
<b>UNIT-I</b> <b>INTRODUCTION TO CONSTITUTION</b> Concept, Relevance, Constitutionalism, Sources of Constitution, Evolution of Constitutional scheme in India: Focus on developments from 1935 to 1950, Salient features of Indian Constitution, Emphasis on Federal structure, Principle of Separation of powers, Rule of law.	CO-1	Remembering Understanding	10	GDG NO. 4, 16 NDG NO. 16 RDG NO. 1 LDG NO. 1



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## CaseLaws:

- *KesavanandaBharativ.StateofKerala,AIR1973SC14611*
- *S.R.Bommaiv.UnionofIndia,AIR1994SC19188*
- *StateofWestBengalv.UnionofIndia,AIR1963SC1241 25*
- *RamJawaya Kapurv.StateofPunjab,AIR1955SC54940*
- *KuldipNayarv.UnionofIndia,AIR2006SC3127*
- *StateofHaryana v.StateofPunjab,AIR2002SC685*
- *InreBerubariUnion&Exchg.ofEnclaves,AIR1960SC84548*
- *RamKishoreSenv.UnionofIndia,AIR1966SC644*
- *UnionofIndiav.SukumarSengupa,AIR1990SC1692*
- *N.M.Sahibv.ChiefComnr.Pondicherry, AIR1962SC797*
- *R.C.Poudyalv. UnionofIndia, AIR1993SC1804*
- *BabulalParatev.StateofBombay,AIR1960SC51*

## UNIT-II

**1. DISTRIBUTION OF POWERS BETWEEN CENTRE AND STATES – (ARTS. 245-281)**  
Legislative Powers, Administrative Powers, Financial Powers, Relevant Doctrines: Territorial nexus, Harmonious construction, Pith and substance, Repugnancy: Overview of Panchayati Raj Provisions (Art.243), Freedom of Trade and Commerce.

CO-2

Remembering  
Understanding

15

GDG NO. 4, 16  
NDG NO. 16  
RDG NO. 1  
LDG NO. 1

## CaseLaws:

- *StateofBiharv.CharusilaDasi,AIR1959SC1002 188*
- *StateofBombayv.R.M.D.C.,AIR1957SC699*
- *TataIron&SteelCo.Ltd.v.StateofBihar,AIR1958SC452*
- *G.V.K.Industriessv.IncomeTaxOfficer,(2011)4SCC36*
- *PrafullaKumarv.BankofCommerce,Khulna,AIR1947PC60233*
- *StateofKarnatakav.Drive-inEnterprises,AIR2001SC1328240*
- *StateofRajasthanv.G.Chawla,AIR1959SC544*
- *K.C.GajapatiNarayanDeov.StateofOrissa,AIR1953SC375*
- *UnionofIndia v.H.S.Dhillon,AIR1972SC1061*
- *HoechstPharmaceuticalsLtd.v.StateofBihar,AIR1983SC1019274*
- *Zaverbhaiv.StateofBombay, AIR1954SC752289*
- *VijayKrSharmav.StateofKarnataka,(1990)2SCC562*

## UNIT- III

**UNIONANDSTATEEXECUTIVE,LEGISLATUREANDJUDICIARY**  
UnionExecutive,President:Appointment, Election, Removal, conditions of service;Powers

CO-3

Remembering  
Understanding  
Anaysing

20

GDG NO. 4, 16  
NDG NO. 16  
RDG NO. 1  
LDG NO. 1



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<p>of president focus on ordinance, pardon, emergency; Assessment of relevance of presidential office on governance; Council of ministers and Prime minister: Appointment, Conditions, functioning, collective responsibility, dismissal of cabinet minister; Office of Attorney General: Significance, Appointment, functions, Conditions; State executive, Governor: Appointment, Removal, Powers</p> <p>Union Legislature: Lok Sabha, Composition, functioning, membership, qualifications and disqualifications, Dissolution of, Effect; Bills: Procedure for the passage; Privileges of legislature; State legislature: functioning, dissolution; Anti defection law and its impact. (Arts. 168-212).</p> <p>Union Judiciary: Supreme Court Judges: Appointment, removal, impeachment; Jurisdiction of Supreme Court: Original, appellate, advisory, Court of Record; Assessment of independence of judiciary.</p> <p>State judiciary: High Court Judges: Appointment, transfer, removal, promotion; High Court jurisdiction, Art. 226, writs – Meaning and Kinds; Subordinate judiciary. (Arts. 124-147) (Arts. 214 to 237).</p>				
<p><b>Case Laws:</b></p> <ul style="list-style-type: none"> <li>• <i>U.N.R. Raov. Indira Gandhi, AIR 1971 SC 100256</i></li> <li>• <i>S.P. Anand v. H.D. Deve Gowda, AIR 1997 SC 272 59</i></li> <li>• <i>Samsher Singh v. State of Punjab, AIR 1974 SC 21265</i></li> <li>• <i>M.P. Spl. Police Estab. v. State of M.P., (2004) 8 SCC 78879</i></li> <li>• <i>Epuru Sudhakar v. Govt. of A.P., AIR 2006 SC 338</i></li> </ul>				
<p><b>UNIT-IV</b> Emergency- Need of Emergency Provisions- Different kind of Emergencies- National, State and Financial Emergency, Impact of Emergency in Federalism and Fundamental Rights. Amendment of the Constitution Amendment of Constitution, - Power of Judicial Review, Limits to the Power of Judicial Review- Doctrine of Basic Structure, Meaning Judicial Decisions, Kesavananda Bharati, Minerva Mills, etc.</p>	CO-4	Remembering Understanding	15	GDG NO. 4, 16 NDG NO. 16 RDG NO. 1 LDG NO. 1



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<b>NAME OF THE PROGRAMME/SEMESTER: LL.B/ II</b>	<b>BRANCH: LAW</b>
<b>NAME OF THE SUBJECT: LAW OF EVIDENCE</b>	<b>SUBJECT CODE: LLBSDUTCC110</b>
<b>TOTAL MARKS FOR EVALUATION: 100</b>	<b>NO. OF CONTACT HOURS: 60</b>

## COURSE OBJECTIVE:

The law of evidence is an indispensable part of both substantive and procedural laws. It imparts credibility to the adjudicatory process by indicating the degree of veracity to be attributed to 'facts' before the forum. This subject enables the student to appreciate the concepts and principles underlying the law of evidence 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 art of examination and cross-examination, and the shifting nature of burden of proof are crucial topics. The concepts brought in by amendments to the law of evidence are significant parts of study in this course.

## Relevance of Curriculum to local, regional, national, and global development needs

Parameter	Needs Addressed by this Course
<b>Global</b>	Goal Nos. 4, 16
<b>National</b>	Goal Nos. 13, 14, 16
<b>Regional</b>	Goal Nos. 1
<b>Local</b>	Goal Nos. 1

## COURSE OUTCOME (CO)s:

**The student upon completion of the course will be able to;**

CO-1: Understand basic introduction of Sakshya i.e. Evidence, how it is important in cases of every nature.

CO-2: Analyze the concepts of Admission and Confession.

CO-3: Understand the relevancy of judgements and who can be called as Expert to give their expert opinion.

CO-4: Understand the concept of Burden of Proof and Estoppel.

CO-5: Describe everything about Witnesses and Testimonies.

UNITWISE DETAILS	(CO)	BLOOM'S TAXONOMY	CONTACT HOURS	CURRICULA RELEVANT TO LOCAL, REGIONAL, NATIONAL AND GLOBAL DEVELOPMENT NEEDS
<b>BHARATIYA SAKSHYA ADHINIYAM, 2023</b>  <b>UNIT-I</b> <b>INTRODUCTION</b> 1. Salient features of the Act 2. Meaning and kinds of Evidence 3. Interpretation clause: i. May Presume, Shall presume and	CO-1	Remembering Understanding	15	GDG NO. 4, 16 NDG NO. 16 RDG NO. 1 LDG NO. 1



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<p>Conclusive proof</p> <ol style="list-style-type: none"> <li>ii. Fact, Fact in issue and Relevant facts</li> <li>iii. Distinction between Relevancy and Admissibility</li> </ol> <ol style="list-style-type: none"> <li>4. Doctrine of Res Gesta</li> <li>5. Motive, preparation and conduct</li> <li>6. Conspiracy</li> <li>7. When Facts not otherwise relevant become relevant</li> <li>8. Right and custom Facts showing the state of mind etc.</li> </ol>				
<p><b>Case Laws:</b></p> <ul style="list-style-type: none"> <li>• <i>State of Maharashtra v. Prafulla B. Desai (Dr.) (2003) 4 SCC 601</i></li> <li>• <i>R v. Foster, 1834</i></li> <li>• <i>Rattan V. Queen, 1971</i></li> <li>• <i>Queen V. Abdulla, 1885</i></li> <li>• <i>Mirza Akbar v. Emperor, AIR 1940 PC 176</i></li> <li>• <i>Badri Rai v. State of Bihar, AIR 1958 SC 953</i></li> <li>• <i>Mohd. Khalid State of W.B. (v. 2002) 7 SCC 334</i></li> </ul>				
<p><b>UNIT-II</b> <b>ADMISSIONS &amp; CONFESSIONS:</b></p> <ol style="list-style-type: none"> <li>1. General Principles concerning Admissions</li> <li>2. Differences between "Admission" and "Confession"</li> <li>3. Confessions obtained by inducement, threat or promise</li> <li>4. Confessions made to police officer,</li> <li>5. Statement made in the custody of a police officer leading to the discovery of incriminating material,</li> <li>6. Admissibility of Confessions made by one accused person against co-accused.</li> <li>7. Dying Declarations and their evidentiary value</li> <li>8. Other Statements by persons who cannot be called as Witnesses Admissibility of evidence of witnesses in previous judicial proceedings in subsequent judicial proceedings.</li> </ol>	CO-2	Remembering Understanding Applying	15	GDG NO. 4, 16 NDG NO. 16 RDG NO. 1 LDG NO. 1
<p><b>Case Laws:</b></p> <ul style="list-style-type: none"> <li>• <i>Bishwanath Prasad v. Dwarka Prasad, AIR 1974 SC 117</i></li> <li>• <i>Veera Ibrahim v. State of Maharashtra, AIR 1976 SC 1167</i></li> <li>• <i>R. M. Malkani v. State of Maharashtra, AIR 1973 SC 157</i></li> </ul>				



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- *AghnooNagesia v. State of Bihar, AIR 1966 SC 119*
- *PulukuriKottaya v. Emperor, AIR 1947 PC 67*
- *Bodhraj v. State of J.& K. (2002) 8 SCC 45*
- *Haroon Haji Abdulla v State of Maharashtra AIR 1975 SC 856*
- *Kashmira Singh v. State of Madhya Pradesh, AIR 1952 SC 159: 1952 SCR 526*
- *Pakala Narayana Swami vs Emperor, 1939*
- *Khushal Rao v. State of Bombay, AIR 1958 SC 22*
- *Sudhakar v. State of Maharashtra (2000) 6 SCC 671*
- *Patel HirallalJoitaram v. State of Gujrat (2002) 1 SCC 22*
- *Laxman v. State of Maharashtra (2002) 6 SCC 710*
- *Central Bureau of Investigation v. V.C. Shukla, AIR 1998 SC 1406*

<p><b>UNIT-III</b> <b>RELEVANCY OF JUDGMENTS, OPINION OF WITNESSES:</b></p> <ol style="list-style-type: none"> <li>1. Expert's opinion</li> <li>2. Opinion on Relationship especially proof of marriage,</li> <li>3. Facts which need not be proved,</li> <li>4. Oral and Documentary Evidence,</li> <li>5. General Principles concerning oral evidence and documentary evidence,</li> <li>6. Primary and Secondary evidence,</li> <li>7. Modes of proof of execution of documents,</li> <li>8. Presumptions as to documents,</li> <li>9. General Principles regarding Exclusion of Oral by Documentary Evidence.</li> </ol>	CO-3	Remembering Understanding Applying Analysing	10	GDG NO. 4, 16 NDG NO. 16 RDG NO. 1 LDG NO. 1
<p><b>Case Law:</b></p> <ul style="list-style-type: none"> <li>• <i>Ram Narain v. State of U.P., AIR 1973 SC 2200 : (1973) 2 SCC 86</i></li> </ul>				
<p><b>UNIT-IV</b> <b>BURDEN OF PROOF:</b></p> <ol style="list-style-type: none"> <li>1. Rules relating to Burden of Proof;</li> <li>2. Presumption as to Dowry Death,</li> <li>3. Estoppel : Kinds of estoppels - Res Judicative, Waiver and Presumption.</li> </ol> <p><b>WITNESSES AND TESTIMONY:</b></p> <ol style="list-style-type: none"> <li>1. Competency to testify;</li> <li>2. Privileged communications;</li> <li>3. Testimony of Accomplice,</li> <li>4. Examination in Chief, Cross examination and Re-examination;</li> <li>5. Leading questions,</li> </ol>	CO-4	Remembering Understanding	7	GDG NO. 4, 16 NDG NO. 13, 16 RDG NO. 1 LDG NO. 1



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6. Lawful questions in cross examination, 7. Compulsion to answer questions put to witness; 8. Hostile witness, 9. Impeaching the credit of witness; 10. Refreshing memory Questions of corroboration Improper admission and rejection of evidence.				
<b>Case Laws:</b> <ul style="list-style-type: none"><li>• <i>Pawan Kumar V State of Haryana AIR 1996,</i></li><li>• <i>Tuka Ram And Anr vs State Of Maharashtra 1979 AIR 185, 1979 SCR (1) 810</i></li><li>• <i>R. S. Maddanappa v. Chandramma (1965) 3 SCR 283</i></li><li>• <i>Pickard V Sears 1837 6 AD and EL 469</i></li><li>• <i>Sharad Chandra Dey V Gopal Chandra Laha 1892 19 IA 203</i></li><li>• <i>Madhuri Patel v. Addl. Commissioner, Tribal Development, AIR 1995 SC 94</i></li><li>• <i>SanatanGauda v. Berhampur University, AIR 1990 SC 1075</i></li></ul>				

**Textbook:**

- BatukLal: The Law of Evidence, Central Law Agency, Allahabad
- M. Munir: Principles and Digest of the Law of Evidence, 10th Edition (in 2 vols), Universal Book Agency, Allahabad
- P. Saradhi: Law of Evidence Eastern Book Co., Lucknow
- Avtar Singh: Principles of the Law of Evidence, Central Law Publications.
- V. Krishnama Chary: The Law of Evidence, S.Gogia& Company, Hyderabad.