Gyanmanjari Innovative University

Course Syllabus
Gyanmanjari Institute of LAW
Semester-6 (LL.B.)

Subject: BSA (Bharatiya Sakshya Adhiniyam) – LAWLL16530

Type of course: Major (Core)

Prerequisite:
Students should have a basic understanding of the Indian legal system, constitutional principles, criminal law and criminal procedure, and the role of courts in the administration of justice. Familiarity with legal terminology, judicial proceedings, and basic concepts of evidence will help students understand the rules governing relevancy, admissibility, proof, and appreciation of evidence.

Rationale:
The Bharatiya Sakshya Adhiniyam, 2023 provides the legal framework governing the relevancy, admissibility, and proof of evidence in judicial proceedings. This course introduces students to the principles of relevancy of facts, admissions and confessions, oral and documentary evidence, electronic and digital records, examination of witnesses, burden of proof, presumptions, and estoppel. It also encourages a comparative understanding of the former Indian Evidence Act and the BSA. The course aims to develop students' ability to identify evidentiary issues and apply the relevant principles in legal problem-solving.

Teaching and Examination Scheme:

Teaching Scheme			Credits	Examination Marks			Total Marks
				Theory Marks		CA	
CI	T	P	C	ESE	MSE	ALA	150
05	01	00	06	100	30	20	

Legends: CI-Classroom Instructions; T– Tutorial; P- Practical; C– Credit; ESE- Semester End Evaluation; MSE- Mid Semester Examination; CA-Continuous Assessment; ALA- Active Learning Activities.

Course Content:

Sr. No.	Course Content	Hrs.	% Weightage
1	**Introduction, Definitions and Relevancy of Facts** • Aims, objects, reasons, applicability and salient features of the Bharatiya Sakshya Adhiniyam, 2023. • Comparative study of the Bharatiya Sakshya Adhiniyam and the Indian Evidence Act, including changes and provisions identified for deletion or modification • Definitions: 'proved', 'disproved', 'not proved', 'may presume', 'shall presume' and 'conclusive proof'. • Facts, facts in issue and relevant facts; facts necessary to explain or introduce relevant facts; when otherwise irrelevant facts become relevant. • Admissions: Meaning, admissions by different persons and oral admissions. • Confessions: Meaning, distinction between admission and confession, and confessions made before different persons or authorities. • Statements by persons who cannot be called as witnesses; statements made under special circumstances. • Judgments of courts of justice when relevant. • Opinion of third persons: expert opinion, handwriting and digital-signature opinions, and opinion as to character.	15	20

2	**Types of Evidence and Documentary / Electronic Evidence** • Judicial notice and its scope. • Oral evidence: general principles and provisions. • Documentary evidence: general principles; primary and secondary evidence. • Public documents and private documents. • Electronic and digital records: admissibility, proof and special provisions relating to electronic records. • Proof and verification of digital signatures. • Presumptions relating to documents, maps, gazettes in electronic or digital form, electronic records and electronic signatures. • Presumptions in cases of dowry death and cases involving violation of women's rights.	15	20
3	**Dying Declaration and Examination of Witnesses** • Dying declaration: meaning, underlying principle, evidential value and essentials for recording. • Judicial approach to appreciation of the contents of a dying declaration. • Stages of examination of witnesses: examination-in-chief, cross-examination and re-examination. • Essentials and techniques of cross-examination; general principles governing examination and cross-examination. • Lawful questions in cross-examination and leading questions. • Hostile witnesses and impeachment of the standing or credit of a witness.	15	20

4	**Burden of Proof and Presumptions** • Burden of proof: meaning and general conception of onus probandi. • General and special exceptions to the rule relating to burden of proof. • Justification for presumptions and the doctrine of judicial notice. • Presumptions relating to certain offences. • Presumption as to abetment of suicide by a married woman (Section 117, BSA). • Presumption as to dowry death (Section 118, BSA). • Presumption as to absence of consent in certain prosecutions for rape (Section 120, BSA). • Scope of the doctrine of judicial notice (Section 119, BSA).	15	20
5	**Estoppel and Corroboration** • Estoppel: meaning, nature and importance. • Distinction between estoppel, res judicata, waiver and presumption. • Kinds of estoppel: estoppel by deed, estoppel by conduct, equitable estoppel, promissory estoppel and tenancy estoppel. • Application-based review of evidentiary principles and comparative issues arising under the BSA and the former Indian Evidence Act.	15	20

Continuous Assessment:

Sr. No	Active Learning Activities	Marks
1	**Case Study Report on Digital Evidence and Scientific Investigation under BSA, 2023:** Prepare an individual case study report on a landmark judgment involving electronic evidence, forensic science, or scientific investigation. The report should include the facts of the case, legal issues, nature of the evidence, applicable provisions of the Bharatiya Sakshya Adhiniyam, 2023, judicial findings, and the significance of the judgment. Students should critically examine the admissibility, authenticity, reliability, and preservation of electronic or forensic evidence, including chain of custody, and explain its role in ensuring a fair criminal trial. And submit the report to the faculty and upload it on the GMIU Web Portal.	10
2	**Evidence problem-solving exercise:** Prepare a research paper explaining the role of forensic science and scientific evidence under the Bharatiya Sakshya Adhiniyam, 2023. The paper should cover DNA evidence, fingerprint analysis, expert opinions, electronic and digital records, the admissibility and authenticity of scientific evidence, and the chain of custody. Students should refer to relevant statutory provisions, landmark judgments, and practical examples to explain how forensic evidence assists courts in criminal trials. Students must submit the report to the subject faculty and upload it on the GMIU Web Portal.	10
Total		20

List of Suggested Tutorials:

Sr. No.	Suggested Tutorials	Credits Hrs.
1	**PDF Assignment on Introduction and Salient Features of the Bharatiya Sakshya Adhiniyam, 2023-** Prepare a 2–3-page PDF explaining the aims, objectives, applicability, and salient features of the Bharatiya Sakshya Adhiniyam, 2023. Include a comparative study of the BSA, 2023 and the Indian Evidence Act, 1872, highlighting important changes, modified provisions, and relevant legal examples.	2

2	**Video Lecture on Relevancy of Facts, Admissions, and Confessions-** Prepare a 5–7-minute video lecture explaining the meaning of facts, facts in issue, relevant facts, admissions, and confessions under the Bharatiya Sakshya Adhiniyam, 2023. Explain the distinction between admissions and confessions, relevant statutory provisions, and practical examples demonstrating their importance in judicial proceedings.	1
3	**Case Analysis Report on Electronic and Digital Evidence-** Select one landmark judgment relating to electronic or digital evidence and prepare a structured case analysis covering the facts, legal issues, applicable provisions of the Bharatiya Sakshya Adhiniyam, 2023, judgment, and significance. Explain the admissibility and proof of electronic records and digital evidence with relevant legal principles.	2
4	**Group Discussion & Report on Role of Forensic Science, Digital Evidence & Chain of Custody under BSA, 2023** – Participate in a group discussion on forensic science, digital evidence, and scientific investigation under BSA, 2023. Submit a 1-page summary report covering Section 63 electronic record admissibility (dual certification, hash value), expert opinions (DNA, fingerprints), chain of custody importance, and cybercrime evidentiary challenges with judicial trends	1
5	**Newspaper Case Review on Evidence in Criminal Cases-** Collect a recent newspaper article relating to a criminal case involving a dying declaration, documentary evidence, electronic records, expert opinion, or witness testimony. Prepare a one-page legal analysis identifying the relevant facts, applicable provisions of the Bharatiya Sakshya Adhiniyam, 2023, evidentiary issues, and the role of evidence in determining the case.	2
6	**Quiz Preparation Activity on the Bharatiya Sakshya Adhiniyam, 2023-** Prepare a 10-question quiz with answers for classroom peer testing. The questions should cover definitions of proved, disproved, and not proved; relevancy of facts; admissions and confessions; types of evidence; electronic records; dying declarations; examination of witnesses; burden of proof; presumptions; and estoppel.	2
7	**Research Note on Dying Declaration and Examination of Forensic Experts** – Write a research note on dying declarations under BSA, 2023, focusing on medical fitness certification. Also analyze witness examination stages (examination-in-chief, cross-examination, re-examination) with emphasis on forensic experts, chain of custody, hostile witnesses, and witness credibility	1

8	**Moot Court / Role-Play Activity on Examination and Cross-Examination of Witnesses-** Prepare and perform a 5–10-minute moot court or role-play demonstrating examination-in-chief, cross-examination, and re-examination of a witness in a hypothetical criminal or civil case. Students should demonstrate lawful questioning, leading questions where legally permissible, credibility testing, and the role of the judge in ensuring a fair trial.	1
9	**Case Law Presentation on Burden of Proof and Legal Presumptions-** Select a landmark judgment relating to burden of proof, presumption as to dowry death, abetment of suicide by a married woman, or absence of consent in certain rape prosecutions. Prepare a 5–7-minute presentation covering the facts, legal issues, applicable statutory provisions, judicial reasoning, and significance of the judgment.	2
10	**Case Study on Estoppel and Corroboration** - Prepare a case study explaining the meaning, nature, importance, and types of estoppel, including estoppel by conduct, promissory estoppel, and tenancy estoppel. Discuss the distinction between estoppel, res judicata, waiver, and presumption, and apply relevant evidentiary principles to a practical hypothetical case.	1
	Total	15

Suggested Specification table with Marks (Theory):100

Distribution of Theory Marks **(Revised Bloom's Taxonomy)**						
Level	Remembrance (R)	Understanding (U)	Application (A)	Analyze (N)	Evaluate (E)	Create (C)
Weightage	20%	20%	20%	10%	10%	10%

Note: This specification table shall be treated as a general guideline for students and teachers. The actual distribution of marks in the question paper may vary slightly from above table.

Course Outcome:

After learning the course, the students should be able to:	
CO1	Explain the objectives, scope, definitions and major features of the Bharatiya Sakshya Adhiniyam, 2023, including its relationship with the former Indian Evidence Act.

CO2	Identify and apply rules governing relevancy of facts, admissions, confessions, oral evidence, documentary evidence and electronic or digital records.
CO3	Analyze dying declarations and the rules governing examination, cross-examination and credibility of witnesses.
CO4	Apply principles relating to burden of proof, judicial notice and statutory presumptions in hypothetical legal problems.
CO5	Explain the doctrine and kinds of estoppel and assess the role of corroboration in evaluating evidence.

Instructional Method:

The course delivery method will depend upon the requirement of content and the needs of students. The teacher, in addition to conventional teaching methods by black board, may also use any tools such as demonstration, role play, Quiz, brainstorming, MOOCs etc.

From the content 10% topics are suggested for flipped mode instruction. Students will use supplementary resources such as online videos, NPTEL/SWAYAM videos, e-courses. The internal evaluation will be done on the basis of Active Learning Assignment.

Practical/Viva examination will be conducted at the end of semester for evaluation of performance of students.

Reference Books:

1. Government of India. (2023). *The Bharatiya Sakshya Adhiniyam, 2023* (Act No. 47 of 2023). India Code.
2. Government of India. (1872). *The Indian Evidence Act, 1872* (Act No. 1 of 1872). India Code.
3. Murphy, P. (2017). *Murphy on Evidence* (15th ed.). Oxford University Press. [Edition and year require further verification.]
4. Osborn, A. S. (1926). *The Problem of Proof: Especially as Exemplified in Disputed Document Trials: A Discussion of the Proof of the Facts in Courts of Law, with Some General Comments on the Conduct of Trials* (2nd ed.). Essex Press.
5. Ratanlal Ranchhoddas, & Dhirajlal Keshavlal Thakore. (2019). *The Law of Evidence* (27th ed.). LexisNexis.
6. Sarkar, S., & Manohar, V. R. (2008). *Sarkar's Law of Evidence in India, Pakistan, Bangladesh, Burma & Ceylon* (16th ed.). Wadhwa & Co. [Edition, year and publisher require further verification.]
7. Woodroffe, J. G., & Ali, S. A. (2020). *Sir John Woodroffe & Syed Amir Ali's Law of Evidence* (21st ed., 4 vols.). LexisNexis.