

Indian Law Society

Autonomous Certificate Programme

Law of Evidence for Civil and Criminal Trials

Schedule

No.	Date	Session theme	Speakers
1.	17 July	Evidence, Proof and the Prudent Person <ul style="list-style-type: none">– History of Evidence Law, basic comparative analysis of evidence law of UK and India.– Basic Principles of the Law of Evidence– Standards of Proof : Preponderance of probabilities, proof beyond reasonable doubt, proof more than beyond reasonable doubt, i.e. residual doubt theory in death penalty cases– Direct and circumstantial evidence– Applicability of the Evidence Act 1872	Mr. Siddharth Luthra, <i>Senior Advocate, Supreme Court, Former, Additional Solicitor General of India</i>
2.	18 July	Basic concepts of Evidence Law <ul style="list-style-type: none">– Facts, Inference and Opinion– Facts in issue– Theory of relevancy, logical and legal relevancy, Relevant facts,– When can evidence be given of facts which are not relevant? Res gestae, ‘last seen’– Relevancy and admissibility	Mr. Murthy Dayanand Naik <i>Advocate, Bangalore</i>
3.	21 July	Presumptions and Burden of Proof <ul style="list-style-type: none">– May presume, Shall presume and Conclusive proof– Presumptions under the Evidence Act 1872– Presumptions of culpability in special statutes, Eg Protection of Children from Sexual Offences Act 2012– Shifting or reversal of burden of proof– Effect of presumptions on pleadings, burden of proof and proof itself: Discussion about sec 16 of Indian Contract Act, sec 45 of Transfer of Property Act 1988, or any other law	Hon'ble Mr. Justice N. Seshasayee <i>Judge Madras High Court</i>

No.	Date	Session theme	Speakers
4.	24 July	<p>Documents: Existence, genuineness and contents.</p> <ul style="list-style-type: none"> – Proof of contents <ul style="list-style-type: none"> - Primary and secondary evidence - Proof of electronic record (65A and 65B) – Proof of genuineness <ul style="list-style-type: none"> - Handwriting and Signature (Electronic signatures will be covered in separate session) - Books of accounts and documents made in the ordinary course of business - Effect of admission by adverse party of receipt, genuineness and contents – Parol Evidence rule : (91 – 100) 	<p>Mr. Tejas Karia, <i>Partner at Shardul Amarchand Mangaldas & Co.</i></p>
5.	25 July	<p>Documents : Presumptions</p> <ul style="list-style-type: none"> – Presumptions as to documents : signature, attestation, due procedure, accuracy – Certified copies – Thirty-year-old document and five-year-old electronic record – Presumptions under the Negotiable Instruments Act 1881 – Bankers’ Books Evidence Act 1891 – Commercial Documents Evidence Act 1939 – Effect of notarisation – Legalisation of documents, and effect of Apostillisation 	<p>Dr. Nilima Bhadbhade, <i>Lawyer, Trainer, Writer and Teaches at ILS</i></p>
6.	28 July	<p>Evidence in Civil Proceedings</p> <ul style="list-style-type: none"> – Pleadings and proof – ‘Admitted’, ‘not admitted’, ‘denied’, ‘deemed to be admitted’. Meaning and effect. – Admitting facts and documents (provisions in the Code of Civil Procedure 1908) – Admissions in civil cases (sec 23) – Estoppel 	<p>Mr. S.V. Kanetkar <i>Senior Advocate</i></p>

No.	Date	Session theme	Speakers
7.	31 July	Affidavit in lieu of examination-in-chief before Courts and Tribunals <ul style="list-style-type: none"> – Examination-in-chief – Affidavits – Provisions of the Code of Civil Procedure 1908 – Whose affidavit? – Drafting the affidavit 	Mr. S.V. Kanetkar <i>Advocate</i>
8.	1 Aug	Evidence in Arbitration Proceedings <ul style="list-style-type: none"> – Applicability of the Evidence Act to arbitration proceedings – Oral and documentary evidence before arbitrators. 	Mr. Kedar Dhongde <i>Advocate</i>
9.	4 Aug	Admissions, Confessions and Dying declarations <ul style="list-style-type: none"> – Admissions in civil and criminal proceedings – Confessions under the Evidence Act, and under other laws. – Dying declarations 	Mr. Aabad Ponda <i>Advocate, Bombay High Court</i>
10.	7Aug	Pre-trial statements and documents <ul style="list-style-type: none"> – Documents created or arising in the course of investigation: eg. statements to police, panchnamas – Pre-summoning evidence, pre-charge evidence, post charge evidence : evidentiary value in different types of trials (eg. Summary cases, summons cases etc.) – Special Statutes in which statements made before certain ranked officials (eg. Prevention of Money Laundering Act 2002, Maharashtra Control of Organised Crime Act 1999) 	Confirmation awaiting

No.	Date	Session theme	Speakers
11.	8 Aug	Examination of witnesses in civil and criminal cases <ul style="list-style-type: none"> – Witness: competency, privileges and disabilities – Expert, child, prosecutrix, police officers, panch as witnesses. Interested and independent witnesses. Eye witness. Chance witness – Selecting witnesses – Examination-in-chief, Cross-examination, Re-examination – Questions that can and cannot be asked – Credibility and impeaching credit – Hostile witness 	Mr. Madhav Khurana <i>Advocate, Delhi</i>
12.	11 Aug	Experts <ul style="list-style-type: none"> – Who is an expert – Who must call – Questions that can be asked to him – Handwriting expert, proof of handwriting and signature – Forensic experts : medicine, ballistics, other fields of science – Legal experts on foreign law 	Confirmation awaited
13.	14 Aug	Protection against self-incrimination <ul style="list-style-type: none"> – Confessions – Accomplice's evidence – Evidence obtained from the accused- handwriting, hair, blood, voice, wire tapping, telephone tapping, etc <ul style="list-style-type: none"> – Polygraph test, and its evidentiary value – 	Mr. Sharath Chandran <i>Advocate, Madras High Court</i>
14.	18 Aug	Cross examination <ul style="list-style-type: none"> – Purpose: civil and criminal proceedings – Technique of cross-examination 	Mr. P. Narayan <i>Senior Advocate</i>

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15.	19 Aug	Electronic Evidence <ul style="list-style-type: none"> – What is electronic evidence – Electronic signatures – Secure electronic signatures and digital signatures – Mode of proving electronic record – Proving emails, whatsapp posts, web-pages, SMS, phone calls, printed documents etc. – Presumptions applicable to electronic record 	Mr. Tejas Karia <i>Partner at Shardul Amarchand Mangaldas & Co.</i>
16.	20 Aug	The judge's perspective <ul style="list-style-type: none"> – Appreciation of evidence – Drawing inferences – When is a fact is 'proved'? – 'Balance of probabilities' and 'beyond reasonable doubt' – Wide powers of judges under the Evidence Act 1872 	Hon'ble Mr. Justice N. Anand Venkatesh <i>Judge, Madras High Court</i>