



Re-Accredited 'B++' 2.86 CGPA by NAAC

VEER NARMAD SOUTH GUJARAT UNIVERSITY

University Campus, Udhna-Magdalla Road, SURAT - 395 007, Gujarat, India.

વીર નર્મદ દક્ષિણ ગુજરાત યુનિવર્સિટી

યુનિવર્સિટી કેમ્પસ, ઉદ્ધના-મગદલા રોડ, સુરત - ૩૯૫ ૦૦૭, ગુજરાત, ભારત.

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સંદર્ભ:યુનિવર્સિટી કાર્યાલયનાં પરિપત્રક્રમાંક: એસ./સિલેબસ/૧૬૫૫૬/૨૦૨૪, તા.૩૦/૦૭/૨૦૨૪

—: પરિપત્ર :—

યુનિવર્સિટી સંલગ્ન કાનૂન વિદ્યાશાખા હેઠળની તમામ કોલેજોનાં આચાર્યશ્રીઓને જણાવવાનું કે, શૈક્ષણિક વર્ષ ૨૦૨૪-૨૫ થી અમલમાં આવેલ LL.B. Sem-1 & Sem-5 નો અભ્યાસક્રમ કાનૂન વિદ્યાશાખાની ત્રણેય અભ્યાસ સમિતિની સંયુક્ત સભાની તા.૧૦/૦૭/૨૦૨૪ નાં ઠરાવ ક્રમાંક: ૨ અન્વયે કરેલ ભલામણ મુજબ યુનિવર્સિટી કાર્યાલયનાં તા.૩૦/૦૭/૨૦૨૪, પરિપત્રક્રમાંક: એસ./સિલેબસ/૧૬૫૫૬/૨૦૨૪ થી પ્રસિધ્ધ કરવામાં આવેલ LL.B. Sem-1 & Sem-5 નાં અભ્યાસક્રમનાં ટાઈટલમાં સુધારો કરી કાનૂન વિદ્યાશાખાનાં ઈ.યા. ડીનશ્રીએ કાનૂન વિદ્યાશાખાની મંજૂરીની અપેક્ષાએ કાનૂન વિદ્યાશાખા વતી મંજૂર કરી એકેડેમિક કાઉન્સિલને કરેલ ભલામણને એકેડેમિક કાઉન્સિલની તા.૦૧/૦૩/૨૦૨૪ ની સભાનાં ઠરાવ ક્રમાંક: ૧૦૪ અન્વયે માન. કુલપતિશ્રીને આપેલ સત્તા અંતર્ગત એકેડેમિક કાઉન્સિલ વતી માનનીય કુલપતિશ્રી ધ્વારા મંજૂર કરેલ છે. જેની આથી જાણ કરવામાં આવે છે.

(બિડાણ : ઉપર મુજબ)

ક્રમાંક:ઓથો./સિલેબસ/૨૩૩૬૨/૨૦૨૪

તા.૨૯/૧૦/૨૦૨૪

Wife
કુલસચિવ

પ્રતિ,

૧. કાનૂન વિદ્યાશાખા હેઠળની તમામ કોલેજોનાં આચાર્યશ્રીઓ.

૨. ઈ.યા. ડીનશ્રી, કાનૂન વિદ્યાશાખા.

૩) પરીક્ષા નિયામકશ્રી, પરીક્ષા વિભાગ, વીર નર્મદ દ. ગુ. યુનિવર્સિટી, સુરત.

.....તરફ જાણ તેમજ અમલ સારૂ.

Subject Code [2405000101040002]

Veer Narmad South Gujarat University, Surat

LL.B. – Semester 1

Course: Bharatiya Nyaya Sanhita -2023

Course Code																										
Course Title	Bharatiya Nyaya Sanhita -2023																									
Credit	4																									
Teaching per week	4																									
Minimum weeks per semester	18																									
Effective from	2024-2025																									
Purpose of course	This course is designed with a prime object to familiarize students with the principles of criminal liability and other concepts of substantive criminal law.																									
Course objective	<ul style="list-style-type: none"> • To examine the historical evolution of criminal law maxims, doctrines, and principles. • To analyze the sentencing policy of the penal law of the land. • To articulate the differences between Indian Law on one hand which is codified and non-codified British law? • To articulate informed opinion over important, controversial issues in criminal law. • To recognize important considerations dealing with the rights of criminal defendants. • To know the elements of crimes against person, property, order, and state. 																									
Course outcome	<p>CO1: To explain the general principles of criminal law specifically those relating to criminal conduct, culpability and defences, from the perspective of a range of legal systems and traditions.</p> <p>CO2: Critically evaluate relevant criminal law doctrines, informed by developments at the forefront of legal research.</p> <p>CO3: Apply the relevant principles to particular areas of the criminal law, and to problematic cases.</p> <p>CO4: Critically evaluate proposals for development of the criminal law.</p> <p>CO5: To illustrate how society views crime against women, human body and property.</p> <p>CO6: Demonstrate an in-depth understanding of the aspects of criminal justice, or law and its relationship to larger social issues</p> <p>CO7: Identify, explain and apply the principles of criminal law covered in the course</p>																									
Mapping between CO's with PSOs	<table border="1"> <thead> <tr> <th></th> <th>PSO1</th> <th>PSO 2</th> <th>PSO3</th> <th>PSO4</th> </tr> </thead> <tbody> <tr> <td>CO1</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>CO2</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>CO3</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>CO4</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		PSO1	PSO 2	PSO3	PSO4	CO1					CO2					CO3					CO4				
	PSO1	PSO 2	PSO3	PSO4																						
CO1																										
CO2																										
CO3																										
CO4																										
Course Content	<p>Module I.</p> <p>1.1 Historical Development of Penal Law in India</p> <p>(i) Early Hindu law</p> <p>(ii) Muslim Law</p>																									

Historical background to Bhartiya Nyay Samhita, 2023: Why penal code? First law commission and the role of Lord Macaulay. Benthamite ideas and their influence. Napoleonic code and its influence. Advantages and disadvantages of codification. Characteristics of the Indian Penal code. Need for revision as seen by Macaulay. Interpretation of codified penal law.

1.2 Crime – Nature and definition social & legal context –

- a. Crime and sin
- b. Criminal law and morality
- c. Law & Ethics
- d. Crime and Offence

Module II.

2.1 Essentials of offences

- A. Human being
- B. Guilty intention
- C. Prohibited act
- D. Harm/ Punishment

2.2 Stages of an offence

- A. Intention
- B. Preparation
- C. Attempt
- D. Commission of offence

Module III.

3.1 Principles of Penal Law

NILLA POENA SINE LEGE

NULLUM CRIMEN SINE LEGE

Retroactivity of criminal law, Narrow construction of criminal law, rule against judicial creation of offences and vagueness of criminal statutes.

3.2 MENS REA AND Actus Reus

Meaning origin & development Means rea & Intention, Motive Knowledge, intention recklessness and Negligence

3.3 Mens rea and Criminal liability

General Principles of liability

Principles of mela in se, mela prohibita

Joint liability

Vicarious liability

Strict liability

Absolute liability

Means rea and

- (1) Socio-welfare offences
- (2) Socio-Economic offences

Module IV.

4.1 Inchoate offences (Ss. 45 to 62)

- A. Abetment
- B. Conspiracy
- C. Attempt

Module V. (Ss. 1 to 3)

5.1 Jurisdiction of India (Section – 1)

5.2 Definitions

5.3 General explanations of the Bhartiya Nyay Samhita

Module VI. Crime and punishment

6.1 Necessity and objectives of punishment

6.2 Different theories of punishment

6.3 Modern theory of punishment

6.4 Types of Punishment (Ss. 4 to 13)

Module VII. General Exceptions to Crimes under Indian Penal code
– General importance and purpose of basis these exception (Ss. 14 to 33)

A. Absence of Mens rea

B. For the ends of justice

A. Absence of Means rea

1. Mistake of fact, not mistake of law

2. Accident

3. To cause lesser harm, to save greater harm & compulsion

4. Infancy, doli incapax & doli capax principle

5. Act in good faith and for the benefit of victim

6. Acts done under compulsion

B. For the ends of justice

1. Judicial acts

2. Acts done under consent

3. Trivial offences

Module VIII. Right of Private Defence (Ss. 34 to 44)

a. Right of private defence of body

b. Right of private defence of property

c.

Module IX. Offences against Woman and Child

1.1 Offences against Woman

1.1.1 Sexual Offences (Ss. 63 to 73)

1.1.2 Criminal Force and Assault against Woman (Ss. 74 to 79)

1.1.3 Offences Relating to Marriage (Ss. 80 to 87)

1.1.4 Offences Relating to causing miscarriage etc. (Ss. 88 to 92)

1.2 Offences against Child (Ss. 93 to 99)

Module X Offences affecting Human Body

2.1 Offences affecting Life (Ss. 100 to 113)

2.2 Hurt and Grievous Hurt (Ss. 114 to 125)
2.3 Wrongful Restraint and Wrongful Confinement (Ss. 126-127)
2.4 Criminal Force and Assault (Ss. 128 to 136)
2.5 Kidnapping, Abduction, Slavery & Forced Labour (Ss. 137 to 146)

Module XI Offences against State (Ss. 147 to 158)

Module XII Offences relating to Army, Navy and Air Force (Ss. 159 to 168)

Module XIII Offences Relating to Elections (Ss. 169 to 177)

Module XIV Offences Relating to Coin, Currency-Notes, Bank-Notes, and Government Stamps (Ss. 178 to 188)

Module XV Offences against the Public Tranquillity (Ss. 189 to 197)

Module XVI Offences by or Relating to Public Servants (Ss. 198 to 205)

Module XVII Contempts of the Lawful Authority of Public Servants (Ss. 206 to 226)

Module XVIII Offences relating to False Evidence and Offences against Public Justice (Ss. 227 to 269)

Module XIX Offences Affecting the Public Health, Safety, Convenience, Decency and Morals (Ss. 270 to 297)

Module XX Offences relating to Religion (Ss. 298 to 302)

Module XXI Offences against Property

13.1 Theft (Ss. 303 to 307)
13.2 Extortion (Section 308)
13.3 Robbery and Dacoity (Ss. 309 to 313)
13.4 Criminal Misappropriation of Property (Ss. 314 – 315)
13.5 Criminal Breach of Trust (Section 316)
13.6 Receiving Stolen Property (Section 317)
13.7 Cheating (Ss. 318 – 319)
13.8 Fraudulent Deeds and Dispositions of Property (Ss. 320 to 323)
13.9 Mischief (Ss. 324 to 328)
13.10 Criminal Trespass (Ss. 329 to 334)

Module XXII Offences Relating to Documents and to Property Marks (Ss. 335 to 350)

	Module XXIII Criminal Intimidation, Insult, Annoyance, Defamation, Etc. (Ss. 351 to 357)				
Reference books	<ul style="list-style-type: none"> <input type="checkbox"/> Williams Glanville- The Text Book of Criminal Law <input type="checkbox"/> Jerom Hall – Studies in Jurisprudence and Criminal Theory <input type="checkbox"/> Jw Cecil Turner (edt.) – Kenny’s Outlines of Criminal Law <input type="checkbox"/> Jw Cecil Turner - Russel on Crime <input type="checkbox"/> Smith and Hogan – Criminal Law <input type="checkbox"/> A.P. Simester & G.R. Sullivan – Criminal Law Theory and Doctrine <input type="checkbox"/> R. C. Nigam – Principles of Criminal Law <input type="checkbox"/> Prof. K.N. Chndranshekhhar Pillai – Essay’s on Indian Penal Code <input type="checkbox"/> R. C. Srivastava – Law Relating to Crima Punishment <input type="checkbox"/> Andrew Ashworth – Principles of Criminal Law <input type="checkbox"/> P.S. Pillai – Criminal Law <input type="checkbox"/> Prof K.D Gaur - Criminal Law Cases and Material <input type="checkbox"/> Dr. Hari Singh Gaur – Penal Law of India (4 volumes) <input type="checkbox"/> R. A Nelson – Indian Penal Code <input type="checkbox"/> Prof. K.N. Chandranshekhhar Pillai – Essay’s on Indian Penal Code <input type="checkbox"/> Ratan Lal and Dhiraj Lal – Indian Penal Code <input type="checkbox"/> Prof. Raghavan – Indian Penal Code <input type="checkbox"/> Rekha Kumari Singh & Bhavesh Bharad’s ‘Bharatiya Nyaya Sanhita’, 2023 by Supriya Publication <input type="checkbox"/> Bhavesh Bharad & Rekha Singh’s ‘New Criminal Major Act’ by Supriya Publication. 				
Teaching Methodology	<p>The Lecture method as it is one of the most important ways of teaching through which a teacher develops an understanding of the subject to its core by explaining a concept through examples, thereby making it a student centric approach.</p> <p>The Socratic method of teaching which gives an opportunity to the students to ask questions to the teachers would be emphasized by the teachers. Similarly, a variety of approaches has been adopted to achieve the objectives of the programme with the use of audio-visual aids, charts, projectors, power point presentations, LCD projectors and all other tools to disseminate knowledge to the students.</p>				
Evaluation Method	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">External University exams</td> <td style="width: 30%;">100 marks</td> </tr> <tr> <td>Total</td> <td>100 marks</td> </tr> </table>	External University exams	100 marks	Total	100 marks
External University exams	100 marks				
Total	100 marks				

THE BHARATIYA SAKSHYA ADHINIYAM

1. Introductory:

- 1.1 The main features of the Bharatiya Sakshya Adhiniyam, 2023.
- 1.2 Other acts which deal with evidence (special reference to CPC, Bharatiya Nagarik Suraksha Sanhita, 2023)
- 1.3 Definitions (Section 2)

2. Facts: Relevancy (Ss. 3 to 14)

- 2.1 The Doctrine of res gestae
- 2.2 Evidence of common intention
- 2.3 The problems of relevancy of "Otherwise" irrelevant facts
- 2.4 Relevant facts for proof of custom
- 2.5 Facts concerning bodies & mental state
- 2.6 Existence of course of business when relevant

3. Admissions and confessions

- 3.1 General principles concerning admission (Section 15, 21)
- 3.2 Differences between "admission" and "confession"
- 3.3 Admissions in relation of parties to the suit (Section 16 to 18)
- 3.4 Proof of admissions against persons making them, and by or on their behalf (Section 19)
- 3.5 When oral admissions as to contents of documents are relevant (Section 20)
- 3.6 The problems of non-admissibility of confessions caused by "any inducement, threat of promise" (Section 22)
- 3.7 Confession to police officer (Section 23)
- 3.8 Consideration of proved confession affecting person making it and others jointly under trial for same offence (Section 24)
- 3.9 Admissions not conclusive proof, but may estop (Section 25)

4. Statements by persons who cannot be called as witnesses

- 4.1 The justification for relevance on dying declarations (Section 26)
- 4.2 The judicial standards for appreciation of evidentiary value of dying declarations.
- 4.3 Relevancy of certain evidence for proving, in subsequent proceeding, truth of facts therein stated (Section 27)

5. Statements made under special circumstances (Ss. 28 to 33)

6. Relevance of Judgments (Ss. 34 to 38)

7. Expert Testimony

- 7.1 General principles
- 7.2 Who is an expert? : Types of expert evidence
- 7.3 The problem of judicial defence to expert testimony.
- 7.4 Opinions of experts (Section 39)
- 7.5 Facts bearing upon opinions of experts (Section 40)
- 7.6 Opinion as to handwriting and signature, when relevant (Section 41)
- 7.7 Opinion as to existence of general custom or right, when relevant (Section 42)
- 7.8 Opinion as to usages, tenets, etc., when relevant (Section 43)
- 7.9 Opinion on relationship, when relevant (Section 44)
- 7.10 Grounds of opinion, when relevant (Section 45)

8. Character when relevant

- 8.1 In civil cases character to prove conduct imputed, irrelevant (Section 46)
- 8.2 In criminal cases previous good character relevant (Section 47)
- 8.3 Evidence of character or previous sexual experience not relevant in certain cases (Section 48)
- 8.4 Previous bad character not relevant, except in reply (Section 49)
- 8.5 Character as affecting damages (Section 50)

9. Facts Which Need Not Be Proved (Ss. 51 to 53)

10. Oral and Documentary Evidence

- 10.1 General principles concerning oral evidence (Ss. 54 – 55)
- 10.2 General principles concerning Documentary Evidence (Ss. 56 to 93)
 - 10.2.1 Types of Documentary Evidence (Ss. 56 to 73)
 - 10.2.2 Public Documents (Ss. 74 to 77)
 - 10.2.3 Presumptions as to Documents (Ss. 78 to 93)
- 10.3 General Principles Regarding Exclusion of Oral by Documentary Evidence (Ss. 94 to 103)
- 10.4 Improper Admission and Rejection of Evidence (Section 169)

11. Burden of Proof

- 11.1 General Principles concerning Burden of Proof (Ss. 104 to 114)
- 11.2 Presumptions as to Burden of Proof (Ss. 115 to 120)

12. Estoppel

- 12.1 Estoppel (Section 121)
- 12.2 Estoppel, res judicata and waiver and presumption
- 12.3 Estoppel of tenant and of licensee of person in possession (Section 122)
- 12.4 Estoppel of acceptor of bill of exchange, bailee or licensee (Section 123)

13. Witnesses (Ss. 124 to 139)

14. Examination and Cross Examination

- 14.1 General principles of examination and cross examination (Section 140-168)
- 14.2 Leading questions (Section 146)
- 14.3 Lawful questions in cross-examination (Section 149)
- 14.4 Compulsion and Non-compulsion to answer questions put to witness (Ss. 150 to 155)
- 14.5 Hostile witness (Section 157)
- 14.6 Impeaching of the standing or credit of witness (Section 158)

15. Repeal and Savings (Section 170)

Topics	Credit	Marks
<u>BHARATIYA NAGARIK SURAKSHA SANHITA</u>	3	75
1. Introduction and Overview		
1.1 Preamble		
1.2 Preliminary (Ss. 1 to 5)		
2. Constitution and Powers of Criminal Courts and Offices (Ss. 6 to 34)		
3. Pre Trial Procedures		
3.1 Arrest Process and Rights of an Individual (Ss. 35 to 62)		
3.1.1 The distinction between cognizable and non-cognizable offences: relevance and adequacy problem		
3.1.2 Arrest with and without warrant		
3.1.3 The absconder status		
3.1.4 Rights of the arrested person		
3.1.5 Steps to ensure accused's presence		
3.1.6 Steps to ensure accused's presence		
3.2 Processes to Compel Appearances (Ss. 63 to 93)		
3.2.1 Summons		
3.2.2 Warrant of Arrest		
3.2.3 Proclamation and Attachment		
3.3 Processes to Compel the Production of Things (Ss. 94 to 110)		
3.3.1 Summons to produce		
3.3.2 Search warrant and searches without warrant		
3.3.3 General Principles of Searches		
3.3.4 Seizure		
3.3.5 Constitutional aspects of validity of search and seizure proceeding		
3.4 Information to the Police and Their Powers to Investigate (Ss. 173 to 196)		
3.4.1 F.I.R (Section 173)		
3.4.2 Evidentiary Value of F.I.R (Ss. 174 and 176)		
4. Trial Procedures		
4.1 Jurisdiction of the Criminal Courts in Inquiries and Trials (Ss. 197 to 209)		
4.2 Conditions Requisite for Initiation of Proceedings (Ss. 210 to 222)		
4.3 Complaints to Magistrates (Ss. 223 to 226)		
4.4 Commencement of Proceedings before Magistrates (Ss. 227 to 233)		
5. Charge (Ss. 234 to 247)		
5.1 Framing of Charge		
5.2 Form of Charges		
5.3 Joinder of Charges		
6. Trial Procedures – Procedural Steps and Substantive Rights		
6.1 Trial before a Court of Session (Ss. 248 to 260)		
6.2 Trial of Warrant – Cases by Magistrates		
6.2.1 Cases instituted on a police report (Ss. 261 to 266)		
6.2.2 Cases instituted otherwise than on a police report (Ss. 267 to 270)		

<p>6.2.3 Conclusion of Trial (Ss. 271 to 273)</p> <p>6.3 Trial of Summons – Cases by Magistrates (Ss. 274 to 282)</p> <p>6.4 Summary Trials (Ss. 283 to 288)</p> <p>6.5 Plea Bargaining (Ss. 289 to 300)</p> <p>7. Inquiries and Trials</p> <p>7.1 Attendance of Persons Confined or Detained In Prisons (Ss. 301 to 306)</p> <p>7.2 Evidence in Inquiries and Trials</p> <p>7.2.1 Mode of taking and recording evidence (Ss. 307 to 318)</p> <p>7.2.2 Commissions for the examination of witnesses (Ss. 319 to 336)</p> <p>7.3 General Provisions as to Inquiries and Trials (Ss. 337 to 366)</p> <p>8. Judgment (Ss. 392 to 406)</p> <p>8.1 Form and content</p> <p>8.2 Post-conviction orders in lieu of punishment</p> <p>8.3 Compensation and cost</p> <p>8.4 Modes of providing judgement</p> <p>9. Appeal, Reference, Revision and Transfer</p> <p>9.1 Appeals (Ss. 413 to 435)</p> <p>9.2 Reference and Revision (Ss. 436 to 445)</p> <p>9.3 Transfer of Criminal Cases (Ss. 446 to 452)</p> <p>10. Sentences</p> <p>10.1 Submission of Death Sentences for Confirmation (Ss. 407 to 412)</p> <p>10.2 Execution, Suspension, remission and commutation of sentences</p> <p>10.2.1 Death Sentences (Ss. 453 to 456)</p> <p>10.2.2 Imprisonment (Ss. 457 to 460)</p> <p>10.2.3 Levy of Fine (Ss. 461 to 464)</p> <p>10.2.4 General provisions regarding execution (Ss. 465 to 471)</p> <p>10.2.5 Suspension, remission and commutation of sentences (Ss. 472 to 477)</p> <p>11. Bail and Bonds (Ss. 478 to 496)</p> <p>11.1 Bailable and Non-Bailable offences</p> <p>11.2 Cancellation of bail</p> <p>11.3 Anticipatory bail</p> <p>11.4 Appellate bail powers</p> <p>11.5 General principles concerning bond</p> <p>12. Fair Trial</p> <p>12.1 Conception of fair trial</p> <p>12.2 Presumption of innocence.</p> <p>12.3 Venue of trial</p> <p>12.4 Right of the accused to know the accusation</p> <p>12.5 The right must generally be held in the accused's presence</p> <p>12.6 Right of cross examination and offering evidence in defence: The accused's statement</p> <p>12.7 Right to speedy trial</p> <p>13. Other Provisions</p> <p>13.1 Reciprocal Arrangements for Assistance in Certain Matters and Procedure for Attachment and Forfeiture of Property (Ss. 111 to 124)</p>		
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13.2 Security for Keeping the Peace and for Good Behaviour (Ss. 125 to 143)		
13.3 Order for Maintenance of Wives, Children and Parents (Ss. 144 to 147)		
13.4 Maintenance of Public Order and Tranquillity (Ss. 148 to 167)		
13.5 Preventive Action of the Police (Ss. 165 to 172)		
13.6 Provisions as to Accused Persons of Unsound Mind (Ss. 367 to 378)		
13.7 Provisions as to Offences Affecting the Administration of Justice (Ss. 379 to 391)		
13.8 Disposal of Property (Ss. 497 to 505)		
13.9 Irregular Proceedings (Ss. 506 to 512)		
13.10 Limitation of Taking Cognizance of Certain Offences (Ss. 513 to 519)		
13.11 Miscellaneous (Ss. 520 to 531)		
UNIT 14	1	25
14.1 Probation of Offenders Act, 1958		
14.2 Juvenile justice (Care and Protection of Children) Act, 2000		