

Total number of printed pages-4

21(8) LWEV 8-2

2018

**LAW OF EVIDENCE**

Paper : 8-2

Full Marks : 80

Time : Three hours

*The figures in the margin indicate full marks for the questions.*

*Answer all questions.*

1. Fill in the blanks with appropriate answer or indicate whether the statement is true or false :  $1 \times 10 = 10$ 
  - (a) An affidavit \_\_\_\_\_ (cannot be used as an evidence / can be used as an evidence if specifically permitted by law)
  - (b) Judgment pronounced in a matrimonial suit is "a \_\_\_\_\_ (Judgment in personam / judgement in rem)

- (c) A sues B for Rs. 10,000 and shows entries in his account books showing B to be matched to this amount. The entry is \_\_\_\_\_. (relevant / sufficient to prove the debt due from B)
- (d) Contents of a document can be proved by oral evidence under certain circumstances. (True/False)
- (e) A client says to B, an attorney—"I wish to obtain possession of the property by the use of a forged deed on which I request you to sue". This communication is \_\_\_\_\_. (protected from disclosure / not protected from disclosure) under section 126.
- (f) Evidence to clarify ambiguous document is prohibited by section 93 of the Act. (True / False)
- (g) "An accomplice shall be a competent witness" — is declared by section 132. (True / False)
- (h) Section 102 of the Act \_\_\_\_\_ deals with burden of proof in the sense of establishing a case / deals with onus of proof in the sense of introducing evidence)
- (i) There can be estoppel against law or statute or sovereign acts in interest of public policy. (True / False)

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- (j) According to section 52, in civil cases character to prove conduct imputed is \_\_\_\_\_. (relevant / irrelevant)
2. Answer the following : 2x5=10
- (a) What is *res gestae* ?
- (b) What is corroborative evidence ?
- (c) What is retracted confession ?
- (d) What is direct evidence ?
- (e) Who is a hostile witness ?
3. Define "Evidence". What are the different kinds of evidence under the Evidence Act, 1872 ? Also, discuss in brief the applicability of Evidence Act, 1872 on electronic record. 8+4=12
- OR
4. What is presumption ? Analyse with relevant provisions of the Evidence Act, 1872 the different types of presumptions. 4+8=12
- What is admission ? By whom admission can be made ? State the difference between admission and confession. 2+4+6=12
- OR
- "Relevancy and admissibility are not co-extensive forms"— Explain clearly with suitable examples. 12

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5. Explain when the opinion of experts is relevant. Cite suitable case laws also. 12

OR

Explain the relevancy of character in civil and criminal proceedings. 12

6. "Hearsay Evidence is no evidence"— Are there any exception to this rule? 12

OR

Explain the principle of Estoppel. State its different types and how does it differ from *Res judicata*. 2+6+4=12

7. Explain the rules pertaining to examination and cross-examination of witnesses as provided under the Evidence Act, 1872. 12

OR

Write short notes on : 4×3=12

- (a) Privileged Communications
- (b) Evidence of accomplice
- (c) Hostile witnesses.



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21(B) LWEV 8.2

2019

**LAW OF EVIDENCE**

Paper : 8.2

Full Marks : 80

Time : Three hours

*The figures in the margin indicate full marks for the questions.*

1. Choose the correct option : 1×10=10

(i) Indian Evidence Act, 1872 consists of \_\_\_\_\_ (167 sections and 10 chapters/167 sections and 11 chapters)

(ii) Law of Evidence is \_\_\_\_\_ (Lex fori// Lex loci solutionis)

Contd.

(vii) Plea of alibi is governed by \_\_\_\_\_ of the Indian Evidence Act, 1872. (section 11 / section 12)

(viii) Facts which are necessary to explain or introduce relevant facts of place, name, date, relationship and identity of parties are relevant under \_\_\_\_\_ of Evidence Act. (section 9/section 10)

(ix) The maxim 'nemo moriturus praesumitur mentire' is applicable to \_\_\_\_\_ [section 32(2)/section 32(1)]

(x) The term character as explained in section 55 of the Evidence Act, 1872 includes \_\_\_\_\_ (good and bad character / reputation and disposition of general nature).

(xi) A sues B for land of which B is in possession and which, as A asserts was left to A by the Will of C, B's father. The burden on proof is on \_\_\_\_\_ (A/B)

(xii) Presumption of death is contained in \_\_\_\_\_ of the Indian Evidence Act, 1872. (section 108 / section 107)

(xiii) Examination-in-chief, cross-examination and re-examination have been defined in \_\_\_\_\_ of the Evidence Act (section 138/section 137)

(xiv) An accomplice is a competent witness under \_\_\_\_\_ of the Indian Evidence Act (section 133/section 134)

2. Answer any five questions : 2x5=10

(i) Is the Indian Evidence Act is a complete and exhaustive piece of legislation on Law of Evidence ? Explain.

(ii) Explain when facts not otherwise relevant become relevant.

(iii) Is the previous bad character of an accused relevant in criminal trial ? Explain.

(iv) A is charged with travelling on without a ticket. On whom does burden of proof lie ? Explain.

(v) What is a leading question in Act ? of section 141 of the Evidence Act ?

(vi) Can dying declaration be accepted without corroboration ? Explain.

3. Define the term Evidence. State the features of the Indian Evidence Act. Explain briefly the various kinds of Evidence.

OR

"The rules of evidence are in general the same in civil and criminal proceedings. Explain the statements and differences, if any between evidence in civil and criminal proceedings."

Indian Evidence Act, section 107)

cross-examination have been defined Evidence Act (section

incompetent witness Indian Evidence Act (section 134)

2x5=10

It is a complete legislation on

not otherwise

Character of an criminal trial ?

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(iv) A is charged with travelling on train without a ticket. On whom does the burden of proof lie ? Explain.

(v) What is a leading question in terms of section 141 of the Evidence Act ?

(vi) Can dying declaration be acted upon without corroboration ? Explain.

3. Define the term Evidence. State the salient features of the Indian Evidence Act, 1872. Explain briefly the various kinds of Evidence. 3+5+4=12

Or

"The rules of evidence are in general the same in civil and criminal proceedings" - Explain the statement and point out the differences, if any between evidence in civil and criminal proceedings. 6+4+5=12

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4. What is Confession ? Whether a confession made by an accused before a police officer is admissible in evidence. Write a brief note on extra judicial confession. Is there any situation under which an extra judicial confession can be the basis for conviction ? 2+3+4+3=12

Or

Elucidate the doctrine of 'Res Gestae' with the help of relevant case laws. Point out the relation between sections 6 and 7 of the Indian Evidence Act, 1872. 10+2=12

5. What is dying declaration ? Can a dying declaration be relied upon solely to base a conviction thereupon ? Is dying declaration admissible in civil cases ? Write few lines on the cause of death and circumstances of the homicide, which resulted in his death. 3+3+3+3=12

21(a) LW EV 8/2/0

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Or

Explain the relevancy of character in civil and criminal proceedings. Write few lines on 'reputation' and 'disposition'. Is the previous good character of an accused relevant in criminal trial? Explain.

8+2+2=12

6. Write a short note on burden of proof. Under what circumstances the burden of proof shifts to other party? Are the rules relating to burden of proof in civil and criminal cases same? If not, state the differences.

5+2+5=12

Or

Write explanatory notes on : 4x3=12

- (a) Presumption as to Dowry death.
- (b) Estoppel
- (c) Privileged Communications.

7. Define witness, competency of witness and compellability of a witness. Whether a child is a competent witness. Discuss the provisions of law pertaining to child witness.

2+2+2+6=12

Or

Cross-examination is an effective weapon to elicit truth' — Examine the correctness of this statement in the light of the provisions in the Evidence Act.

12

Total number of printed

LAW OF

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The figures in full marks

1. Choose the correct

- (a) Evidence (Lord M
- (b) The word the word to make
- (c) "The Law a syst controv inquire judicial reason

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2021

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**LAW OF EVIDENCE**

Paper : 8-2

Full Marks : 80

Time : Three hours

*The figures in the margin indicate full marks for the questions.*

1. Choose the correct option : 1x10=10

(a) \_\_\_\_\_ drafted the Bill for the Indian Evidence Act, 1872.

(Lord Macaulay/Sir James F. Stephen)

(b) The word evidence has been derived from the word \_\_\_\_\_ which means to clear to make evident. (evidere/witness)

(c) "The Law of Evidence can be defined as a system of rules ascertaining a controverted question of fact in judicial inquiries. It bears the same relation to judicial investigation as logic to reasoning." This definition was given by \_\_\_\_\_

(Chief Justice Monir/ Sir James F. Stephen)

Contd.

(d) An affidavit \_\_\_\_\_ be used as evidence if specially permitted by law. (can/ cannot)

(e) The Indian Evidence Act came into force on \_\_\_\_\_, 1872. (1<sup>st</sup> September/2<sup>nd</sup> April)

(f) Court can take judicial notice of \_\_\_\_\_ (all laws/ law of land only)

(g) The Evidence Act, 1872 is a \_\_\_\_\_ (substantive law/ procedural law)

(h) The Law of Evidence is \_\_\_\_\_ (lex fori/lex loci)

(i) The Evidence Act has \_\_\_\_\_ (Retrospective effect / Prospective effect)

(j) The Principle of English Law is admissible subject to \_\_\_\_\_ exceptions. (three/four)

2. Write on the following : 2x5=10

(a) Conclusive Proof

(b) Hostile witness

(c) Judicial proceedings

(d) Dumb witness

(e) Proved, Disproved, Not proved.

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3. "The rules of evidence are in general the same in civil and criminal proceedings"—Explain the statement and point out the differences between evidence in civil and criminal proceedings. 12

OR

Define evidence. What are the main features of the Indian Evidence Act, 1872 ? 12

4. "Relevance and admissibility are not co-extensive terms." Explain the statement with suitable examples. 12

OR

Hearsay evidence is no evidence. Explain with exceptions, if any, by referring to leading cases. 12

5. Explain the term "dying declaration". What are the modes of recording a dying declaration and its value in evidence ? 12

OR

What is retracted confession ? Can a person be convicted on retracted confession ? Justify your answer with suitable illustration. 12

6. Who is competent to be a witness ? Discuss with the case laws relating to competency of witness under Evidence Act, 1872. Is a child below 7 years of age competent to be a witness ? 12

OR

What are the stages in examination of a witness ? What questions can be asked in cross-examination ? 12

7. "Proof beyond reasonable doubt does not mean proof beyond shadow of doubt." — Explain citing relevant case laws. 12

OR

"In the nature of things, a negative is more difficult to establish than an affirmative." Elucidate the statement with reference to the rule relating to burden of proof. 12

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28/11/2024

**LAW OF EVIDENCE**

Paper : 8/2

Full Marks : 80

Time : Three hours

**The figures in the margin indicate full marks for the questions.**

1. Fill in the blanks/write appropriate answers given in the brackets : 1x10=10

(a) Relevancy and admissibility under the Indian Evidence Act are \_\_\_\_\_ (synonymous and co-extensive/neither synonymous nor co-extensive)

(b) Standard of proof in \_\_\_\_\_ (Civil and Criminal cases is the same/Criminal cases is much more higher than in Civil cases) ✓

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Explain the following:

- (a) 'May presume', 'Conclusive proof', 'Proved, Not Proved'
- (b) What are admissions and how can they be proved against a person making them?

4. What are admissions and how can they be proved against a person making them?

Explain the doctrinal help of relevant relation between Indian Evidence Act and Criminal Procedure Code.

5. How far is "admissible in criminal proceedings" a correct test for relevancy?

(a) "Can a person be a witness in a criminal case?" Elaborate.

(ii) Husband and wife both are competent witness for and against each other in both civil and criminal proceedings. (in criminal proceedings/in both civil and criminal proceedings)

(i) An accomplice is a competent witness under sec. 132/sec. 133 of Evidence Act. (sec. 132/sec. 133)

2. Answer the following: 2x5=10

- (a) Circumstantial evidence
- (b) Retracted confession
- (c) Dying declaration
- (d) Digital signature
- (e) Leading question

3. Define "Evidence". What are the different kinds of evidence under the Evidence Act, 1872? 4+8=12

(c) Motives, preparation and conduct are relevant under sec. 7/sec. 8 of Evidence Act. (sec. 7/sec. 8)

(d) A confession made to a police officer is inadmissible under sec. 24/sec. 25 of Evidence Act. (sec. 24/sec. 25)

(e) Opinion of an expert under sec. 45 of Evidence Act is conclusive proof is supportive and corroborative in nature) (a conclusive proof)

(f) Contents of a document under section 59 of Evidence Act can be proved by oral evidence/cannot be proved by oral evidence (can be proved by oral evidence)

(g) Section 79 of Evidence Act contains irrebuttable presumption of law/a rebuttable presumption of law (an irrebuttable presumption of law/a rebuttable presumption of law)

(h) Burden of proof under Section 101 of Evidence Act never shifts/goes on shifting as the trial proceeds (never shifts/goes on shifting as the trial proceeds)

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2x5=10

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+8=12

Contd.

Or

Explain the following:

6x2=12

(a) 'May presume', 'Shall presume', 'Conclusive proof'.

(b) Proved, Not Proved and Disproved.

4. What are admissions? When can admissions be proved against and in favour of persons making them? Distinguish between admissions and confessions. 2+6+4=12

Or

Explain the doctrine of Res Gestae with the help of relevant case laws. Point out the relation between sections 6 and 7 of the Indian Evidence Act, 1872. 10+2=12

5. How far is "character" relevant and admissible in evidence in civil suits and criminal proceedings? 12

Or

(a) "Can a person be convicted on the sole testimony of dying declaration?" Elaborate.

21 (b) LWEV 8-2/G

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(b) 'X', a whistle-blower wrote a letter to his superior officer indicating that he feels danger to his life at the hands of oil mafia on 1-2-2021. On 8-2-2021 'X' was found wounded near a petrol station, while taking to hospital he mentioned names of A, B and C known mafia oil dealers. In a case of prosecution against A, B and C for murder is the letter of 'X' relevant under section 32(1) of Indian Evidence Act?

6. Answer the following:

12

(a) What are the Rules of Burden of Proof? What is the nature of burden of proof on an accused u/s 105, Evidence Act?

(b) On whom does the burden of proving the following facts lies?

(i) 'A' accused of 'B's murder, alleges that by grave and sudden provocation given by 'B' he was deprived of the power of self control.

(ii) 'A' who is charged with travelling on a Railway without a ticket says he had a ticket.

21 (b) LWEV 8-2/G

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Contd.

Or

(a) "A person can be held bound by estoppel only when it is proved that there was representation that certain state of thing is true and the person to whom representation is made acted on its belief." Comment. 6

(b) 'A' managed to get admission in L.L.B. course on false certificate. It took 3 years for the authorities to get it detected. University cancelled the admission while the student takes the plea that it is too late and he has been the topper during last three exam. Hence intends estoppel against the University. Advise the student. 6

7. Write short notes on : 4×3=12

- (a) Dumb witnesses
- (b) Professional communication
- (c) Confidential communication

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"An accomplice is unworthy of credit, unless he is corroborated in material particulars." Critically examine the statement with the help of decided cases. 12

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2023

**LAW OF EVIDENCE**

Paper : 8-2

Full Marks : 80

Time : Three hours

**The figures in the margin indicate full marks for the questions.**

1. Choose the correct answer :  $1 \times 10 = 10$ 
  - (i) The Indian Evidence Act came into force on the                     . (1st Sept., 1872/2nd April, 1872)
  - (ii) The Present Evidence Act is based entirely on the                     . (English Law of Evidence/American Law of Evidence)
  - (iii) The Indian Evidence Act is                     . (substantive law/adjective law)
  - (iv) Burden of proving death of person known to be alive within                      years is on the person who affirms it. (seven/thirty)

Contd.

- (v) A child below seven years of age is \_\_\_\_\_ witness. *(competent/incompetent)*
- (vi) \_\_\_\_\_ drafted the bill for Indian Evidence Act, 1872. *(Lord Macaulay/Sir James Fitzjames Stephen)*
- (vii) The principle on which a dying declaration is admitted in evidence is indicated in legal maxim \_\_\_\_\_. *(Lex fosi/Lex loci)*
- (viii) The section \_\_\_\_\_ of the Indian Evidence Act, 1872 gives provisions regarding proof as to electronic signature. *[67/67(A)]*
- (ix) According to section 65 of the Indian Evidence Act, 1872 the secondary evidence can be admitted in \_\_\_\_\_ exceptional cases. *(three/seven)*
- (x) Section \_\_\_\_\_ of the Indian Evidence Act provides for presumption in case of dowry death. *(113(B)/304(B))*

2. Write on the following : 2×5=10

- (i) Hostile witness
- (ii) Dumb witness

- (iii) Res gestae
  - (iv) Proved, not proved and disproved
  - (v) Confession
3. What are the main features of the Indian Evidence Act, 1872 ? Explain various kinds of evidence. 12

Or

4. "Relevancy and admissibility are not co-extensive forms." Explain the statement with suitable examples. 12
- Or
- Distinguish between the following : 6+6=12

- (a) Admission and confession
  - (b) Judicial and extrajudicial confession
5. What is 'dying declaration'? Discuss the law relating to admissibility of dying declaration under the Indian Evidence Act. 12

**Or**  
What is relevancy of judgement? State the circumstances under which the opinion of third person become relevant.

6. What is 'burden of proof'? Explain the rules relating to burden of proof. 12

**Or**  
What is estoppel? State its different types. Explain the principles of estoppel. Does it differ from Resjudicata.

7. Who is competent to be witness? Discuss the law relating to competence of witness. Is a child below seven years of age competent to be a witness? 12

**Or**

Write short notes : (any two) 6×2=12

- (a) Admissibility of electronic records in evidence
- (b) Examination in-chief and cross-examination
- (c) Public document and private document.

2024

**LAW OF EVIDENCE**

Paper : 8-2

Full Marks : 80

Time : Three hours

**The figures in the margin indicate full marks for the questions.**

1. Choose the correct answer : 1×10=10
  - (i) Section 63 of the Indian Evidence Act, 1872 provides for \_\_\_\_\_ evidence. (primary/secondary)
  - (ii) Public documents are provided under which Section of the Indian Evidence Act, 1872 ? (72/74)
  - (iii) As per the Indian Evidence Act, 1872, how old should the electronic record be in order to attract Section 90A ? (Five years/Twelve years)
  
2. Write on the following : 2×5=10
  - (i) Res gestae
  - (ii) Hostile witness
  - (iii) Refreshing memory
  - (iv) Public documents
  - (v) Admission
  
- (vi) Section 101 of the Evidence Act, 1872 provides for \_\_\_\_\_ upon burden of proof lies)
- (vii) Conclusive proof is under Section \_\_\_\_\_ (112, 113/114)
- (viii) Evidence to documents unmeaning in reference to existing facts is called as \_\_\_\_\_ ambiguity. (patent/latent)
- (ix) Which Section of Evidence Act deals with the Examination of Child Witness? (118/120)
- (x) Law of Evidence is \_\_\_\_\_ (lex situs/lex fori)
- (xi) Under-Section 8 of Evidence Act, \_\_\_\_\_ is relevant. (motive/state of mind)
- (xii) Alibi is governed by Section \_\_\_\_\_ of Evidence Act. (11/6)

Contd.

(c) Res Gestae

(d) Circumstantial and Direct Evidence

(e) Retracted Confession

Or

Write the precision created to proof and burden of proof under Bharatiya Sakshya Adhiniyam, 2023. 12

3. What are the features of the Bharatiya Sakshya Adhiniyam, 2023. Write briefly about the nature and purpose of Law of Bharatiya Sakshya Adhiniyam, 2023 in civil and criminal cases. 6+6=12

Or

Explain briefly about the precision related to Estoppel and burden of proof in civil and criminal case. 12

What is Relevancy of Facts? Write the provision related to Relevancy of Facts under the Act. 2+10=12

4. What do you mean by Admission and Confession? Write the provisions related to confession under the BSA. 4+8=12

Or

Who is a witness? Explain briefly about the persons who can be a competent witness. 12

What do you mean by dying declaration? Write about the statements of person who cannot be called as witness. 2+10=12

5. What do you mean by Relevancy of character? Whether opinions of third party are relevant or not—Explain. 4+8=12

5. What characters are referred to  
cannot write what

4. What conclusions

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21 (SEM-VIII) BSA 8-2 (M)  
2025

**THE BHARATIYA SAKSHYA  
ADHINAYAM 2023 (BSA)**

Paper : 8-2

Full Marks : 80

Time : Three hours

*The figures in the margin indicate full marks for the questions.*

1. Fill in the blanks : 1×10=10
  - (a) A dying declaration made under section 31(1) is admissible under \_\_\_\_\_ (civil/criminal proceedings/Both civil and criminal proceedings)
  - (b) \_\_\_\_\_ has the burden of proof or proving the existence of facts in a legal proceedings. (Defendent/Plaintiff/Judge/witness)
  - (c) Sec 57 of the Act provides for \_\_\_\_\_ (primary/secondary evidence/proof of contents of documents)

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(d) Leading questions can be asked during \_\_\_\_\_ (Re-examination/cross-examination/examination in chief)

(e) Section 15 of the BSA defines \_\_\_\_\_ (Admission/Confession)

(f) Section 104 \_\_\_\_\_ deals with. (Burden of proof/particular fact)

(g) Section 138 of Bharatiya Sakshya Adhinayam deals with \_\_\_\_\_ (Accomplice/witness)

(h) Refreshing memory is covered by Section \_\_\_\_\_ (162/163)

(i) Circumstances from which an inference of guilt is sought to be drawn must be \_\_\_\_\_ (coerently/firmly/both coerently and firmly) established.

(j) Section \_\_\_\_\_ relates to maps or plans made by authority of Government. (82/83)

2. Write short notes on : 2×5=10

(a) Accomplice

(b) Estoppel

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- (c) Res Gestae  
(d) Circumstantial and Direct Evidence  
(e) Retracted Confession

3. What are the features of the Bharatiya Sakshya Adhiniyam, 2023. Write briefly about the nature and purpose of Law of Bharatiya Sakshya Adhiniyam, 2023 in civil and criminal cases. 6+6=12

Or

What is Relevancy of Facts? Write the provision related to Relevancy of Facts under the Act. 2+10=12

4. What do you mean by Admission and Confession? Write the provisions related to confession under the BSA. 4+8=12

Or

What do you mean by dying declaration? Write about the statements of person who cannot be called as witness. 2+10=12

5. What do you mean by Relevancy of character? Whether opinions of third party are relevant or not—Explain. 4+8=12

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Contd.

Or

Write the precision created to proof and burden of proof under Bharatiya Sakshya Adhiniyam, 2023. 12

6. Write the provisions created to presumption as to documents, Electronic records and certificate. 12

Or

Explain briefly about the precision related to Estoppel and burden of proof in civil and criminal case. 12

7. Write briefly about the Examination of witness under the Bharatiya Sakshya Adhiniyam, 2023. 12

Or

Who is a witness? Explain briefly about the persons who can be a competent witness. 12

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