

Total number of printed pages-7

19 (IV) LWEV 4-1

2017

LAW OF EVIDENCE

Paper : 4-1

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with appropriate answer given in the brackets : $1 \times 10 = 10$

(a) _____ drafted the bill for the Indian Evidence Act, 1872. (Lord Macaulay/ Sir James Fitzjames Stephen)

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Contd.

- (b) The Indian Evidence Act, 1872 came into force from _____. (1st January, 1872/1st September, 1872)
- (c) An affidavit _____. (cannot be used as an evidence/can be used as an evidence if specifically permitted by law)
- (d) A is accused of a crime. The fact that, soon after commission of the crime, A had sudden and urgent business at the place where he went are _____. (relevant/relevant only to the extent that A had sudden and urgent business there)
- (e) A confessional statement includes _____. (only the admission of an offence/not only the admission of offence but also other incriminating relevant facts such as motive etc.)

- (f) A person making a confession _____ before hand that the statement would be used against him. (should be warned/need not be warned)
- (g) The question is, whether a horse sold by A to B is sound. A says to B— "Go and ask C. C knows about it". C's comment is _____. (an admission/not an admission)
- (h) The plea of alibi postulates physical impossibility of the presence of the accused at the scene of offence by reason of his _____. (presence in another place/innocence)
- (i) A sues B for Rs. 1000/- and shows entries in his account-books showing B to be indebted to him to this amount. The entries are _____. (sufficient to prove the debt/not sufficient without other evidence to prove the debt)

(j) Courts can take judicial notice of _____ . (all laws/law of the land only)

2. Write short notes on : 2x5=10

- (a) Direct evidence
- (b) Procedural law
- (c) Extra-judicial confession
- (d) Burden of proof
- (e) Hostile witness.

3. "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. 12

OR

Explain the differences between :

4x3=12

- (a) Public Documents and Private Documents
- (b) Estoppel and *res judicata*
- (c) Oral evidence and Documentary evidence.

4. "Relevancy and admissibility are not co-extensive terms". — Explain clearly with suitable examples. 12

OR

Discuss the law relating to confession to Police. 12

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

OR

What is the justification for relevance of dying declaration? Write a judicial standard for appreciation of evidentiary value of dying declaration.

12

6. Enumerate the various rules relating to burden of proof. Is there any differences between burden of proof and onus of proof?

12

OR

Explain the rules of evidence relating to exclusion of oral evidence by documentary evidence under the Indian Evidence Act, 1872.

12

7. Who is a competent witness? Discuss the competency of child witness and dumb witnesses.

2+5+5=12

OR

Explain the term "Privileged Communications". To what extent the professional communications, communications with interpreters, clerks or servants are privileged communications?

12

3 years 4th

(37 papers)

Total number of printed pages-4

19 (IV) LWEV 4:1

2018

LAW OF EVIDENCE

Paper : 4:1

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with appropriate answer :
1×10=10
- (a) Law of Evidence is a branch of _____ . (substantive law / adjective law)
 - (b) The Indian Evidence Act is divided into _____ principal parts. (three / five)
 - (c) The provisions of the Evidence Act _____ applicable to proceedings before Tribunal. (is / is not)
 - (d) Doctrine of *Res Gestae* is found in _____ of the Indian Evidence Act. (sec 6 / sec 10)

Contd.

- (e) Any admission made in ignorance of law or under duress _____ bind the maker of admission. (can / cannot)
- (f) Motive, preparation and conduct are _____ under section 8 of the Evidence Act. (relevant / irrelevant)
- (g) The murmuring of 'A' all alone by himself that he has killed 'B' _____ to confession. (amounts / does not amount)
- (h) According to _____, the contents of a document must be proved by producing the original in the court. (section 64 / section 65)
- (i) _____ is rule of legal procedure. (Estoppel / *Res-judicata*)
- (j) In the Evidence Act a new _____ was added to provide for proof of digital signatures. (section 67-A / section 73-A)
2. Write short notes on : 2×5=10
- (a) Fact in issue
- (b) Primary Evidence
- (c) Retracted Confession
- (d) Privileged Communication
- (e) Accomplice.

3. What is meant by *res gestae* ? State the provisions of Indian Evidence Act relating to *res gestae*. 4+8=12

Or

"All relevant facts are not admissible and all admissible facts need not be relevant." Discuss the difference between "relevancy" and "admissibility" under the Indian Evidence Act. 12

4. What is Confession ? Discuss the evidentiary value of confession with the help of decided cases. 4+8=12

Or

Who is an expert ? In what situations are opinion of experts admissible in evidence ?

5. What is Oral evidence ? "Hearsay evidence is no evidence". Are there exceptions to this rule ? Explain. 4+8=12

Or

Define Document. Discuss the relevant provision of law relating to proving of a document by secondary evidence. 4+8=12

6. Discuss the procedure for impeaching the credit of a witness in relation to his former statement. Can a party impeach his own witness ? 8+4=12

Or

Explain and illustrate the following :

6+6=12

(a) There can be no estoppel against a statute.

(b) Mere silence does not amount to estoppel.

7. What is the order of examination of witness in court? What types of question can be asked to a witness during cross-examination?

4+8=12

Or

Explain :

6+6=12

(a) Provision of law relating to disclosure of confidential communication between a party and his legal advisor.

(b) Can a witness refrain from answering a relevant question on the ground that the answer will incriminate himself?

Total number of printed pages-4

19 (IV) LW/EV 4-1

2019

LAW OF EVIDENCE

Paper : 4-1

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with appropriate answer :
1×10=10

(a) The Indian Evidence Act came into force on the _____ (1st September, 1872/ 2nd April, 1872)

(b) The present Evidence Act is based entirely on the _____ (English Law of Evidence/American Law of Evidence)

(c) The Indian Evidence Act is _____ in court-martial. (applicable/not applicable)

(d) Court can take judicial notice of _____ (all laws/law of the land only)

Contd.

(e) The Principle of English Laws is admissible subject to _____ exceptions. (three/four)

(f) Admission in pleading stand on a _____ than evidentiary admission. (lower footing/higher footing)

(g) The rule of practice is that the court _____ uncorroborated testimony of an accomplice as unworthy of credit (shall consider/is not bound to consider).

(h) The contents of electronic records may be proved in accordance with the provision of _____ of the Evidence Act (section 65A/65B).

(i) Doctrine of *Res gestae* is found in the _____ of the Indian Evidence Act (section 6 section 10).

(j) The question is whether a horse sold by A to B is sound. A says to B-“Go and ask C, C knows all about it?” C’s comment is _____ (an admission/not an admission).

2. Write short notes on : $2 \times 5 = 10$

(a) Direct evidence

(b) *Res gestae*

(c) Conclusive proof

(d) Extra-judicial confession

(e) Conclusive proof.

3. What are the main features of the Indian Evidence Act, 1872? Write also the nature and purpose of Law of Evidence in civil and criminal law. $6+6=12$

Or

Define “Evidence”. What are the kinds of evidence under the Indian Evidence Act, 1872? $4+8=12$

4. “Facts though not in issue, are so connected with a fact in issue as to form part of the same transaction, are relevant whether they occurred at the same time and place or at different times and places”. Discuss with illustrations. 12

Or

What is retracted confession? What are the grounds for rejecting an extra-judicial confession? $4+8=12$

5. What is dying declaration? Discuss the evidentiary value of dying declaration under the Evidence Act, 1872. $4+8=12$

Or

What is relevancy of judgement? State the circumstances under which the opinion of third person become relevant. $5+7=12$

6. What is Estoppel? State its different types and how does it defer from *Res judicata*.

$2+5+5=12$

Or

What is burden of proof? On whom burden of proof lies and under what circumstances it is shifted? $2+6+4=12$

7. Who is competent to be a witness? Discuss the law relating to competency of witness. Is a child below seven years of age competent to be a witness? $2+6+4=12$

Or

Write short notes on: $4 \times 3 = 12$

(a) Evidence of accomplice

(b) Privileged communications

(c) Dumb witness.

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19 (IV) LWEV

2021

LAW OF EVIDENCE

Paper : 4·1

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with appropriate answers :
1×10=10

(i) The Indian Evidence Act is in the spirit drawn on the lines of _____ law of evidence. (Irish/ English)

(ii) The Indian Evidence Act does not apply to _____.
(Court-martial/ proceeding before arbitrator)

(iii) Evidence must be given of _____ facts. (relevant/ admitted)

Contd.

(iv) The man has a certain reputation is _____ as per the definition of fact. (a fact / not a fact)

(v) The principle under which facts so connected as to form part of the same transaction in a relevant fact is called _____. (Res Ipsa Loquitor/ Res Gestae)

(vi) Burden of proving death of person known to be alive within _____ years is on the person who affirms it. (seven/ thirty)

(vii) Section _____ of the Indian Evidence Act provides for presumption in case of dowry death. (113B/ 304B)

(viii) A child below seven years of age is a _____ witness. (competent/ incompetent)

(ix) In criminal cases, previous good character is _____. (relevant/ irrelevant)

(x) Document of the sovereign authority is a _____ document. (public/ private)

2. Write short notes on the following : $2 \times 5 = 10$
- (a) Proof of *Alibi*
 - (b) Appreciation of evidence
 - (c) Admission
 - (d) Opinion of Expert
 - (e) Public Document.
3. Which facts are required to be proved before the Court ? Explain the features of adversarial and inquisitorial system of justice.

4+8=12

OR

“The Preamble shows that the Indian Evidence Act is not merely a fragmentary enactment, but a consolidatory one.” — Explain. Explain “proved”, “disproved” and “not proved” facts.

4+8=12

4. What do you mean by conspiracy ? Explain the scope of application of section 10 of the Indian Evidence Act, 1872.

2+10=12

OR

“A witness may lie but not the circumstances.” — Explain the phrase in the light of recent Supreme Court cases.

12

5. Whether an FIR can be a dying declaration. What are the principles governing dying declaration ?

4+8=12

OR

What do you understand by judgment *in rem*? Does a judgment on compromise fall within the definition of judgment *in rem* and can there be a bar on the subsequent suit based on such judgment? 4+8=12

6. Define hearsay evidence. Explain with case laws the rationale behind exclusion of hearsay evidence. 2+10=12

OR

What is presumption as to gazettes in electronic form? Explain the circumstances under which the court shall presume that the secure electronic record has not been altered since the specific point of time. 4+8=12

7. Briefly explain the principle of estoppel by negligence and estoppel by attestation. Explain with case laws, if a compromise decree might create an estoppel by conduct between the parties. 6+6=12

OR

Explain briefly if an accused is a competent witness. Explain the circumstances under which a public officer is compelled to disclose communication made to him in official confidence. 4+8=12

Total number of printed pages-7

19 (4) LWEV 4-1

2023

LAW OF EVIDENCE

Paper : 4-1

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

(a) The provisions of the Indian Evidence Act, 1872 *apply/do not apply* to the affidavits presented before the court or an officer.

(b) The judgement pronounced in a matrimonial suit is *judgment in rem/ judgment in personam*.

Contd.

(c) The question is whether a horse sold by A to B is sound. A says to B, "Go and ask C, C knows all about it." The statement of C *would constitute an admission/would not constitute an admission* u/s 20 of the Indian Evidence Act, 1872.

(d) 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 of proof is on A/B.

(e) A enters into a written contract with B for sale of a house for either Rs. 200,000 or Rs. 2,50,000. Evidence can be given in relation to prove that which price was to be paid.

(True/False)

(f) Under section 108 of the Indian Evidence Act, 1872 a person is presumed to be dead if he is not traceable for *five years/seven years*.

(g) Section 140/146 of the Indian Evidence Act, 1872 deals with questions lawful in cross-examination.

(h) Presumption as to dowry death is contained in section 113-A/113-B of the Indian Evidence Act, 1872.

(i) Facts of which court must take judicial notice of are mentioned under section 57/58 of the Indian Evidence Act, 1872.

(j) 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." Such communication is protected from disclosure.

(True/False)

2. Answer the following : $2 \times 5 = 10$

(a) What do you understand by 'presumption of law' and 'presumption of fact'?

- (b) What is an extra-judicial confession?
- (c) When opinion of experts is relevant?
- (d) State the presumptions that are drawn by court as regards ancient documents u/s 90 of the Indian Evidence Act, 1872.
- (e) Can a dumb be a witness and how will he give evidence?
3. What is 'presumption' under the Indian Evidence Act, 1872? Differentiate between presumption of law and presumption of fact and also discuss about the presumptions that may be drawn by the court of law in case of dowry death and suicide by a married woman? $2+4+6=12$

Or

- "Hearsay evidence is no evidence." — Are there exceptions to this rule? Discuss in detail. 12
4. What is admission? By whom admission can be made? State the difference between admission and confession. $2+6+4=12$

Or

- What is confession? Whether a confession made by an accused before a police officer is admissible in evidence? Whether an extra-judicial confession can be the basis of conviction under the law? $2+4+6=12$
5. What is 'character'? What is the law relating to relevancy of character? Is previous bad character of accused relevant? If so, under what circumstances? $6+6=12$

Or

Write notes on : 6+6=12

- (i) Relevancy of judgements under the Indian Evidence Act, 1872
- (ii) Opinion of experts and its relevancy

6. What is meant by primary and secondary evidence? State the circumstances where under secondary evidence may be given.

6+6=12

Or

What is 'Burden of proof'? On whom the burden of proof lies in a suit or proceedings?

12

7. Discuss the law relating to competency and compellability of a witness. Are husband and wife competent witness to give evidence against each other in a criminal case?

8+4=12

Or

What is 'Examination-in-chief', 'Cross-examination' and 'Re-examination'? What is the order of it? What is the value and importance of these examinations? 12

2024

LAW OF EVIDENCE

Paper : 4-1

Full Marks : 80

Time : Three hours

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

1. Choose the correct option : $1 \times 10 = 10$
- (a) *Lex fori* means _____.
(law of the land/
law of the place of action)
- (b) Where the accused set up a plea of alibi, the burden of proof lies on the _____. (accused himself/prosecution)
- (c) Professional communication is defined under section _____. (123/126)
- (d) Any question suggesting the answer is called _____.
(lawful question/leading question)

Contd.

(e) The Evidence Act has _____.
(retrospective effect/prospective effect)

(f) Whether a person alive or dead who has not been heard of for seven years is to prove in accordance with the provision of _____.
(Sec.107/Sec. 108)

(g) A confession made by a person always go against it, whereas admission _____ used on behalf of the person making it as per the provision of Sec. 21.
(may be/may not be)

(h) An ambiguity which appears on the face of the deed of instrument or language of the document is _____.
(patent ambiguity/latent ambiguity)

(i) Presumption as to abetment of suicide by a married woman defines under _____.
(Sec. 113-A/Sec. 113-B)

(j) *Res ipsa loquitur* means _____.
(the thing speaks for itself/the things speak otherwise)

2. Write short notes on : 2×5=10

- (a) Expert opinion
- (b) Identification parade
- (c) Accomplice

(d) Chance witness

(e) Privileged communication

3. Define evidence? What are different kinds of evidence? Write the main features of the Indian Evidence Act 1872.

2+4+6=12

Or

Explain the following : 6+6=12

(a) Proved, disproved and not proved.

(b) The difference between *Fact in issue* and *relevant fact*.

4. Define the doctrine of *res gestae*. Explain the doctrine under the Indian Evidence Act with the help of case laws. 4+8=12

Or

"Relevancy and admissibility are not co-extensive terms." Explain. 12

5. (a) What is dying declaration? 3

(b) Discuss the law relating to dying declaration with decided cases. 6

(c) Where there are more than one dying declaration, which one will be admissible? Give reasons. 3

Or

“Hearsay evidence is no evidence.” Explain.
What are the exceptions to this rule? 12

6. Define public and private documents. Explain the importance of certified copies of public documents under the Indian Evidence Act. What is the procedure to prove certain official documents? 4+4+4=12

Or

Define estoppel in terms of the following :
4+4+4=12

- (a) As a rule of evidence
 - (b) Estoppel by election
 - (c) Difference from *res judicata*
7. State the competency of witnesses. Explain why quantity of witness is not matter, but quality of witness matters. Cite case laws. 4+8=12

Or

What questions can be asked in cross-examination? Under what circumstances the court may permit the parties to question their own witnesses? 6+6=12

Total number of printed pages-4

19 (SEM-IV) LE 4-1 (O)

2025

LAW OF EVIDENCE

Paper : 4-1

(Old Course)

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
- (a) *Factum Probandum* means _____.
(the principal fact to be proved/the fact that is probable)
- (b) Professional Communication is defined under sec _____. (123/126)
- (c) Sec 133 of the Indian Evidence Act is related to _____.
(oral evidence/accomplice)
- (d) _____ has been inserted in Indian Evidence Act, 1872 by Dowry Prohibition (Amendment) Act, 1986.
(Sec 113A/Sec 113B)

(e) Plea of *Alibi* is provided under _____
of the Indian Evidence Act, 1872.
(sec 9/sec 11)

(f) Electronic records produced before the
court are _____.
(ordinary evidence/documentary
evidence)

(g) *Res ipsa loquitur* means _____.
(things speak for itself/things speak
otherwise)

(h) On ambiguity which appears on the
face of the deed of instrument or
language of the document is _____.
(patent ambiguity/latent ambiguity)

(i) The presumption under sec. 41 of
Evidence Act is a _____.
(rebuttable presumption of law/
irrebuttable presumption of law)

(j) The provisions for hostile witness is
given under _____.
(sec 154/sec 157)

2. Write short notes on : 2×5=10

(a) Facts and facts in issue

(b) Test Identification Parade

(c) Leading Questions

(d) Public Document

(e) Child Witness

3. Define evidence. What are the various kinds
of evidence? Discuss the salient features of
Indian Evidence Act, 1872. 2+4+6=12

Or

Explain the following : 6+6=12

(a) May Presume, Shall Presume and
Conclusive Proof

(b) Kinds of Presumptions

4. Define plea of *alibi*. Explain its importance
under Indian Evidence Act. 4+8=12

Or

"No confession made to police-officer shall
be proved against a person accused of an
offence." State the exception to the said rule.
12

5. Explain dying declaration and its evidentiary
value under the Indian Evidence Act, 1872.
12

Or

Answer the following :

(a) What is hearsay evidence? 2

(b) Discuss in what cases character is relevant. 6

(c) How far the opinion of expert is relevant in a judicial proceeding? Justify. 4

6. What is documentary evidence? State reasons when oral evidence can be excluded by documentary evidence. 6+6=12

Or

Define estoppel as a rule of evidence. How estoppel is different from *resjudicata*? Explain. 6+6=12

7. Who is called a hostile witness? State whether an accomplice is a competent witness. Explain in brief who can testify as witness under the Indian Evidence Act, 1872. 2+2+8=12

Or

Explain the following : 6+6=12

(a) Rules regarding admissibility of privileged communication.

(b) Examination of witness and its types.

Total number of printed pages-4

19 (SEM-IV) BSA 4-1 (N)

2025

**THE BHARATIYA SAKSHYA
ADHINIYAM, 2023 (BSA)**

Paper : 4-1

(New Syllabus)

Full Marks : 80

Time : Three hours

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

1. Choose the correct option : $1 \times 10 = 10$
- (a) Any statement made by a co-conspirator to an offence is a relevant evidence against other conspirators.
(True/ False)
- (b) Different standards of proof is required to prove a civil and criminal case.
(True/ False)
- (c) The principle under which facts so connected as to form a part of the same transaction is a relevant fact is called _____ . (Res Ipsa Loquitur/ Res Gestae)

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Contd.

(d) The opinion of the handwriting expert is relevant when it is supported by direct evidence. (True/False)

(e) When any statement of which evidence is given, forms a part of the longer statement evidence needs to be given of _____.
(the complete long statement/only the relevant part of the longer statement)

(f) Electronic record produced before the court is a _____ evidence.
(primary/secondary)

(g) Oral account of the contents of a document by a person who has seen the document is a _____ evidence.
(primary/secondary)

(h) The communication between an Advocate and his client is called _____.
(Official Communication/Privileged Communication)

(i) When a party refuses to produce a document, which he has had notice to produce, later he _____ use the document as evidence without the consent of the other party.
(can/cannot)

(j) When a party makes an oral statement which suggests to a relevant fact, it is called _____. (admission/confession)

2. Write short notes on : 2×5=10

(a) Primary Evidence

(b) Confession to police

(c) Relevancy of character

(d) Estoppel

(e) Dumb Witness

3. Discuss the important features of The Bharatiya Sakshya Adhiniyam, 2023.

12

OR

What do you understand by Circumstantial Evidence?

4. "Relevancy and Admissibility are not extensive terms". Explain the statement.

12

OR

"Hearsay evidence is no evidence". Explain the statement with exception, if any.

12

5. What are the principles governing dying declaration? Is the dying declaration recorded by a doctor relevant? 8+4=12

OR

Explain the evidentiary value of good character of an accused person. 12

6. Write short notes on : 6+6=12

- (a) Presumption
(b) Public Document

OR

Discuss the principles governing oral evidence. 12

7. Who can testify as witness? When is the evidence given by a child admissible? 8+4=12

OR

Write short notes on : 6+6=12

- (a) Improper Admission
(b) Rejection of Evidence