REV-01
BLB/65/32/37

2025/11

SET B

BA LLB
SEVENTH SEMESTER
LAW OF EVIDENCE (BSA)
BLB - 701

[USE OMR FOR OBJECTIVE PART]

Duration: 3 hrs. **Full Marks: 70**

Objective

Time: 30 min. **Marks: 20**

Choose the correct answer from the following: ***1×20=20***

1. Dying Declaration is admissible under which principle?
   a. Nemo moriturus praesumiturmentiri
   b. Audi alteram partem
   c. Nemo debetesse judex in propria causa
   d. Res ipsa loquitur

2. Which of the following statements is correct regarding confessions?
   a. Confession is always admissible
   b. Confession made to a police officer is admissible
   c. Confession must be made before a a police officer only
   d. Confession must be voluntary to be admissible

3. Estoppel means:
   a. Challenging a confession
   b. Denying admissibility of evidence
   c. Preventing a person from denying his previous statement
   d. Stopping the trial

4. Privileged communication between lawyer and client is protected under:
   a. Professional privilege
   b. Doctrine of Res Gestae
   c. Public interest doctrine
   d. None of the above

5. Admissions under the Bharatiya Sakshya Adhiniyam are:
   a. Conclusive Proof
   b. Not conclusive but may operate as estoppel
   c. Weak Evidence
   d. Irrelevant unless in writing

6. Which of the following is not relevant under dying declaration?
   a. Circumstances leading to death
   b. Opinion of doctor on death
   c. Identity of assailant
   d. Cause of death

7. A hostile witness is one who:
   a. Is absent from trial
   b. Supports the party calling him
   c. Turns against the party calling him
   d. Gives irrelevant evidence

8. Any question suggesting the answer which the person putting it wishes or expects to receive, is called a-

a. Cross Question
b. Trick question
c. Leading question
d. Hostile question

9. Primary Evidence is defined under-

a. S. 50
b. S.51
c. S. 57
d. S. 58

10. Which among the following is NOT a public document under Section 74(1) of the Indian Evidence Act, 1872?

a. Acts or records of acts of sovereign authorities
b. Records of acts of public officers, legislative, judicial, or executive
c. Private letters between two individuals kept in a personal diary
d. Public records kept in any State of private documents

11. Which of the following is NOT a division of evidence?

a. Fabricated evidence
b. Hearsay evidence
c. Oral evidence
d. Documentary evidence

12. Facts in issue are:

a. Facts which are irrelevant to the case
b. Facts proved incidentally
c. Facts that form the foundation of a case
d. None of the Above

13. The burden of proof in criminal cases lies upon:

a. The accused
b. The complainant
c. The investigating officer
d. The prosecution

14. Under the Indian Evidence Act, a dumb witness refers to –

a. A person who refuses to answer questions in court
b. A person who cannot read or write
c. A person who cannot speak but can give evidence by writing or signs
d. A person who gives false evidence

15. What does the term alibi mean ?

a. Plea that the accused was elsewhere when the offence was committed
b. Evidence of bad character of the accused
c. Confession of guilt by the accused
d. Statement made by a witness under oath

16. In criminal proceedings against any person, who among the following shall be a competent witness under the BSA.2023?

a. Only the father or mother of the accused
b. Only the friends or relatives of the accused
c. The husband or wife of the accused
d. None of the Above

17. Section 63 of the Bharatiya Sakshya Adhiniyam, 2023 deals with –

a. Secondary evidence
b. Admissibility of electronic records
c. Examination of witnesses
d. Burden of proof

18. Circumstantial evidence refers to:
    a. Direct oral testimony
    b. Documentary evidence only
    c. Expert testimony
    d. Evidence inferred from facts or circumstances

19. Under the Indian Evidence Act, the character of a person in a criminal proceeding is—
    a. Always relevant to determine whether he committed the offence
    b. Relevant only when it appears from evidence that the person's character makes the act probable
    c. Relevant only if the prosecution introduces it first
    d. Generally irrelevant, except when the accused himself puts his character in issue

20. The Bharatiya Sakshya Adhiniyam, 2023 replaced which previous legislation?
    a. Code of Civil Procedure, 1908
    b. Indian Evidence Act, 1872
    c. Indian Penal Code, 1860
    d. Criminal Procedure Code, 1973

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Descriptive

Time : 2 hrs. 30 min. **Marks : 50**

[Answer question no.1 & any four (4) from the rest]

1. Discuss the background and objectives of the Bharatiya Sakshya Adhiniyam, 2023. How does it differ from the Indian Evidence Act, 1872? **5+5=10**

2. Define 'facts in issue' and 'relevant facts'. Explain the doctrine of *Res Gestae* with examples. **5+5=10**

3. Discuss the legal position of admissions and confessions under the Bharatiya Sakshya Adhiniyam, 2023 and Distinguish between them. **10**

4. What is a dying declaration? Discuss its evidentiary value and conditions for admissibility with reference to case law. **6+4=10**

5. Explain the concept and types of evidence. How is circumstantial evidence treated under Indian law? **5+5=10**

6. Discuss the principles relating to burden of proof in civil and criminal cases under the Bharatiya Sakshya Adhiniyam, 2023 **10**

7. With examples, discuss the concept of Professional communications. **10**

8. Discuss the relevancy of character under the Bharatiya Sakshya Adhiniyam, 2023.Explain when character becomes relevant in civil cases and why it is generally irrelevant in criminal cases, except in reply by the accused. Also discuss how character may affect the assessment of damages. **4+6=10**

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