



Previous Year Paper

ALL STATE INDIAN EVIDENCE ACT MAINS PREVIOUS YEAR QUESTIONS

INDIAN EVIDENCE ACT

Previous Year's Question of Main Examinations

1. Difference between "Fact in issue" and "Relevant fact". [GJS 2020]
2. Write notes on Fact in issue. [BJS 2018]
3. Explain and illustrate 'Fact in issue' and 'Relevant Fact'. [HJS 2001, 2006, 2015]
4. What is a fact in issue? Illustrate your answer. [RJS 1984, U.P. CJ 2000, 2012, M.P. CJ 2003]
5. Define fact, relevant fact and fact in issue. Point out the difference between the last two? [M.P. CJ 2010]
6. What is a fact in issue? Whether it is a relevant fact? Explain the circumstances when the conduct of a party to the proceeding becomes relevant. [BJS 2014]
7. 'Substantive law is different from procedural law'. Explain by giving reference to the Indian Evidence Act, 1872. [HPJS 2016]
8. Write short note circumstantial evidence in criminal trial, its meaning, necessity and scope. [DJS 1980]
9. Write exhaustive but brief note on direct and circumstantial evidence. [U.P. CJ 2006, 2016]
10. Explain direct and circumstantial evidence. What are the tests required when a case rests entirely on circumstantial evidence? [HPJS 2016]
11. Explain and illustrate 'Fact in issue' and 'Relevant Fact'. [PJS 2003]
12. State if tape recorded conversation is admissible under the Indian Evidence Act. Is there any limitation to its admissibility. [PJS 2010]
13. What are the different kinds of presumptions? Give examples of each kind. [BIS 1977]





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14. Write short notes on May Presume and Shall Presume. [BJS 1978]
15. Write note on document. [BJS 1980, 1984]
16. Write brief explanatory notes on conclusive proof. [RJS 2014, BJS 2006, 2011]
17. Explain the meaning of the following:
(i) Proved
(ii) Disproved
(iii) Not proved [BJS 2011]
18. In case of conclusive proof, can the court ignore a fact declared so under the Evidence Act, otherwise? [JJS 2001]
19. Write notes on the following:
(i) May presume
(ii) Shall presume
(iii) Conclusive proof [BJS 2014, HJS 1999, JJS 2001]
20. Distinguish between rebuttable and irrebutable presumptions? Illustrate. [HJS 1999, U.P. C.J 1986, 2003]
21. Distinguish between the following:
Disproved and not proved. [HJS 1999, 2015]
22. Explain the significance of presumptions of law under the Evidence Act with illustrations for each. [HJS 2019]
23. Explain Falsus in uno falsus in omnibus. [JJS 2019]
24. Write a short note on presumption of fact and presumption of law. [DJS 2008]
25. What do you mean by presumption? Discuss the kinds of presumption. [U.P. C.J 2012]
26. Interested witness and Related witness. [DJS 2019]
27. "A great care must be taken in evaluating circumstantial evidence and if the evidence relied on is reasonably capable of two inferences; the one in favour of the accused must be accepted."
28. In the light of this statement, discuss the rules relating to 'circumstantial evidence' as evolved by Supreme Court of India. Substantiate your answer with the help of decided cases. [HPJS 2019]
29. What do you understand by the word 'Court' used in the Indian Evidence Act, 1872? Discuss with the help of decided cases. [U.P. C.J 2018]





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30. Distinguish between 'may presume' and 'shall presume' with emphasis on the provisions of the Indian Evidence Act, 1872. [GJS 2017]
31. "Rules relating to presumption from a very important part of law of evidence". Discuss briefly with reference to the provisions of Indian Evidence Act, 1872. [PJS 1995 (II)]
32. Explain the phrase, 'the court may presume' and 'the court shall presume' and illustrate. [RJS 1994]
33. Write short critical note on Presumption of fact as a rule of evidence. [PJS 2015]

RELEVANCY OF FACTS

1. Relevancy and Admissibility are neither synonymous nor is the one included in the other. Elucidate this statement with relevant provisions of law and judicial decisions. (PJS 2019)
2. Evidence must be confined to the matter in issue. Explain and state briefly the exceptions to this rule. [HJS 2001]
3. What is distinction between relevancy and admissibility of fact? Illustrate. [HJS 1996]
4. Explain admissibility of a fact and relevancy of a fact. [BJS 2000, 2006, HJS 1996, 1999, U.P. CJ 1986]
 - (a) "All admissible evidence is relevant, but all relevant evidence is not necessarily admissible" Comment.
 - (b) Point out whether in the following cases the facts sought to be proved are relevant.
 - (i) A is charged with shooting at B with intent to kill him. In order to prove A's intent the prosecution wants to prove the fact that A has earlier shot one C.
 - (ii) A is tried for rioting and is proved to have marched at the head of the mob; the prosecution wants to prove that the mob was shouting. [U.P. CJ 1992, 2003, HJS 1999]
5. Write a short note on relevancy, admissibility and credibility of evidence. [DJS 2008]
6. "Relevance and admissibility are neither synonymous nor is the one included in other." Elucidate this statement. [U.P. CJ 2000]
What do you understand by relevancy of facts? Are all the relevant facts admissible in Court? Explain. [U.P. CJ 2006]
7. What is meant by 'relevancy of facts? When are opinions of third persons relevant? Discuss in brief. [U.P. CJ 2015]
8. Discuss the relevancy of the following fact under the provisions of the Indian Evidence Act, 1872.





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9. The fact testified to by D that soon before the alleged murder by A, C had peeped through the widow and exclaimed "look A is aiming his gun towards B". [PJS 2000]
10. Explain the concept of Res Gestae under the Evidence Act citing prominent cases on the point. [HJS 2019]
11. State with the help of relevant case laws, the conditions under which hearsay evidence may be admissible as res gestae and also critically examine the doctrine of res gestae? [PJS 2019]
12. Explain and illustrate 'res-gestae'. [RJS 1988, 2011, DJS 1990, 1996, BJS 1980, 1986, HJS 1988, 2015]
13. Write detailed note on the Doctrine of Res gestae. [JJS 2019]
14. What is the rule of Res gestae? How has the Indian Evidence Act recognised this rule? [HJS 1999]
15. Explain in brief :
Define res gestae and discuss its scope with appropriate illustrations and case laws. [GJS 2017]
16. Are facts which are the occasions, cause of effect of facts in issue relevant? Illustrate your answer. [U.P. CJ 1985]
17. Under what provisions of the Evidence Act are the following fact relevant.
The fact that A was absconding soon after the alleged crime. [PJS 1998]
18. Discuss the relevancy of the following fact under the provisions of the Indian Evidence Act, 1872.
The fact that B was seen coming out of the house of A distressed and sobbing soon after her alleged rape by A. [PJS 2000]
19. Define Motive. How far motive, preparation and conduct of a party are relevant? [M.P. CJ 2003, CJS 2003]
20. The question whether A robbed B, whether the facts that shortly before the robbery, B went to a fair with money in his possession and that he stored it or mentioned the fact that he had it to third persons are relevant? [HJS 1984]
21. Explain 'introductory facts' and 'explanatory facts' under the Indian Evidence Act. What is the evidentiary value of 'identification parades'? [HPJS 2016]
22. Explain about the 'otherwise relevant facts' and their utility for criminal adjudications. [BJS 2017]





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23. Whether pre-trial Test Identification Parade conducted before a Metropolitan Magistrate is evidence and its relevance in a case triable before the Sessions Court. [DJS 2018]
24. Write short note on Test Identification Parade. [DJS 2006]
25. In what cases is it necessary to hold an identification parade. Discuss the precautions to be taken, the procedure to be adopted for holding it, and the value of test identification. [DJS 1990]
26. What are facts necessary to explain or to introduce relevant facts? Discuss and illustrate your answer. [U.P. CJ 1984]
27. Discuss the scope of section 11 of Evidence Act, 1872. Why it is called as residuary clause of relevancy? Whether a statement which is otherwise not relevant under any of the other provisions of Evidence Act, 1872 may be permitted to be adduced under Section 11? [HPJS 2019]
28. When can the acts, statements and writings of a conspirator be used against the other conspirators? [RJS 2011]
29. When are facts not otherwise relevant, relevant? Illustrate your answer. [U.P. CJ 1984]
30. When right or custom is in question? What facts are relevant? Illustrate your answer. [U.P. CJ 1985]
31. What evidence is relevant to prove a custom? [BJS 1975]
32. "Facts showing the existence of any state of mind such as intention, knowledge, good faith, negligence, rashness, ill-will or good-will towards any particular person, or showing the existence of any state of body or bodily feeling are relevant, when the existence of any such state of mind or body or bodily feeling, is in issue or relevant." Explain and exemplify this statement with the help of illustrations and judicial decisions. [HPJS 2018]
33. How are facts showing the existence of a state of mind relevant when the existence of such state of mind is in issue? [DJS 1989]
34. 'A' sues 'B' for damage done by a dog of 'B' which 'B' knows it to be ferocious. Whether the facts that the dog had previously bitten X, Y and Z, that they had made complaint to 'B', are relevant? [U.P. CJ 2006]
35. 'A' is accused of defaming 'B' by publishing an imputation intended to harm the reputation of 'B'. Whether the facts of previous publication by 'A' respecting 'B', showing ill-will on the part of 'A' towards 'B' is relevant? [U.P. CJ 2012]

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36. 'A' is accused of fraudulently delivering to another person a counterfeit coin which, at the time when he delivered it, he knew to be counterfeit. Whether the fact that, at the time of its delivery, 'A' was possessed of a number of other pieces of counterfeit coin is relevant. [U.P. CJ 2012]
37. How can 'Books of Account' kept in regular course of business be proved? [DJS 2005]
38. Are books of accounts maintained in the ordinary course of business themselves sufficient to fasten liability upon a defendant in a suit for recovery of moneys? No or yes? [DJS 2011]
39. Test identification parade has no independent value of its own. Respond to this statement and comment on the evidentiary relevance of the test identification parade. [PJS 2013]
40. Write notes on plea of alibi. [BJS 2018]
41. Differentiate among Relevancy and Admissibility. [PJS 2019]

ADMISSION

1. Write short note on Admission. [BJS 1978, HJS 1984, 1999, M.P. CJ 2003]
2. What are admissions? Who can make them and when they can be used by or on behalf of persons making them? [HJS 2001]
3. When do the statements made by a party in representative character become admission? [RJS 1984]
4. Admissions cannot be proved by the persons making them. What are the exceptions to this general rule? [HJS 2003]
5. 'Silence may sometime amount to an admission'. [U.P. CJ 1983, HJS 2000]
6. What is evidentiary value of admission? [BJS 1979]
7. Cite the law on the admissibility or otherwise of electronic records as evidence of the contents thereof in a legal proceedings. Explain. [GJS 2017]
8. Section 31 of the Indian Evidence Act, 1872 says that admissions are not conclusive proof of the matters admitted, but they may operate as res-judicata. Explain. [GJS 2017]
9. Explain the implications of admission and confession under the Evidence Act. [HJS 2019]
10. Write short note on relevancy of admission in civil cases. [DJS 2014]
11. When a person can prove admission in his favour? Explain with example. [M.P. CJ 2016, 2019]



CONFESSIONS

1. Explain confession. How much of information received from accused may be proved? Discuss. [BJS 2018]
2. Give an appraisal and critical view of the provisions of the Indian Evidence Act Related to confession. [HPJS 2018]
3. When are confessions relevant in evidence? 'A' an accused in under arrest. He tells the investigating officer that he had buried the ear-rings of the deceased near 'pupal' tree. It is proved to be true on the accused taking the police officer and the 'panchas' to the place and pointing the place where then had been hidden. It the statement of 'A' admissible in evidence against him? [JJS 2017]
4. All confessinaal statements are not barred. [DJS 1976]
5. 'Confession must be taken as a whole or rejected as a whole'. Explain with exceptions. What is evidentially value of confession? [HPJS 2016]
6. Explain, with illustrations, the conditions in which a confession is not admissible under Section 24 of the Indian Evidence Act. [PJS 2006]
7. Distinguish between an "admission" and a "confession". State the rules regarding the admissibility and probative value of each. [BJS 1987, HJS 1998, 2006, U.P.CJ 1984]
8. What is a confession? Distinguish between judicial and extra-judicial confessions. [U.P.CJ 1986, BJS 1991, 2000, HJS 2000]
9. What are the circumstances when confession of a co-accused may be proved against an accused? [BJS 2014]
10. What is the evidentiary value of confession made by an accused in police custody? [BJS 1991, 2000]
11. What do you understand by a "retracted confession"? [RJS 1989, DJS 1996]
12. Discuss full y the evidentiary value of retracted confession. Illustrate your answer. [U.P.CJ 1985, 2000, HJS 1988, 2000]
13. Discuss the evidentiary value of: Retracted extra-judicial confession. [HJS 2006, RJS 1986]
14. No confession made to a police officer is admissible. [U.P.CJ 1983, HJS 2000]
15. Distinguish between 'Admission' and 'Confession'. [HJS 1999]





16. Explain the relevancy of confession in criminal trials. [HJS 1988]
17. What is difference between Admission and Confession? Under what circumstances and up-to what extent the confession made by an accused can be used in evidence against co-accused? [M.P.CJ 2018]
18. The accused in police custody provides information to the Investigation Officer (IO) under Section 27 of the Indian Evidence Act. The IO, to ensure its sanctity, soon thereafter calls independent public witness and records the same in their presence. Whether such information is admissible in evidence? [DJS 2019]
19. What is the purport of confession under criminal law and under what circumstances it can be made? Also state the relevance of a confessional statement of an accused in narco-analysis test undergone by him voluntarily. [HJS 2015]
20. Write brief note on extra judicial confession. [RJS 1986, 1991]
21. Write short note on confession by accused before the police officer. [U.P. CJ 1987, DJS 2014]
22. Distinguish between admission and confession. Under what circumstances and to what extent, can the confession by an accused be used in evidence against a co-accused? [M.P.CJ 2009]
23. Discuss the provision of the Evidence Act under which a confession of one accused can be used against another co-accused. [M.P.CJ 2013]
24. Discuss fully the evidentiary value of retracted confession. Illustrate your answer. [U.P.CJ 2000]
25. Explain 'admissions' and 'confessions' and 'distinguish' between them and discuss also to what extent they are admissible in the court? [U.P.CJ 2006, 2016]
26. Write short note on evidence of co-accused. [U.P.CJ 2012]
27. Write short note on retracted confession. [PJS 2015]
28. Explain 'admissions' and 'confessions'. Distinguish between the two to establish how far they are admissible in the court as an evidence. [U.P.CJ 2016]

STATEMENTS BY PERSONS WHO CANNOT BE CALLED AS WITNESSES

1. Explain essential conditions of Dying Declaration. [JJS 2019]





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2. What are the essential conditions for a valid dying declaration? Give some illustrations of Dying Declarations which are not admissible in evidence. [PJS 2006]
3. Examine the provision relating to relevancy and admissibility of dying declaration under Indian Evidence Act, 1872. [HPJS 2019]
4. What is the meaning of dying declaration? Is such a declaration admissible in evidence? If so, under what circumstances?
'A' who was hit by bullet, stated in the hospital in the presence of a magistrate that 'B' had fired at him. But 'A' did not die of the injury. Is the statement of 'A' made in the presence of the magistrate admissible in evidence against 'B'? Can it be of any other use? [JJS 2017]
5. A dying declaration is a weak type of evidence as the accused does not get an opportunity to cross examine the witness. Critically examine. [DJS 2018]
6. Can a dying declaration be acted upon without corroboration? Explain the law and the principles on the appreciation of dying declaration as laid down by the Supreme Court of India. [HJS 2019]
7. What is meant by dying declaration? Explain the principles on which dying declaration is admissible in evidence despite being hearsay evidence. [HPJS 2016]
8. Can dying declaration alone be the basis of conviction? What are the cautions to be exercised before relying upon a dying declaration? [PJS 2001]
9. Write short note on Dying Declaration. [BJS 1978, 1986, RJS 1986, M.P. CJ 2015, 2018]
10. Please state the circumstances under which statement of a person who cannot be called as witness are themselves relevant under the provisions of Section 32 of Indian Evidence Act, 1872. [M.P. CJ 2004]
11. Discuss the evidentiary value of 'Dying Declaration'. [HJS 2006, RJS 2011]
12. What are the essential conditions of a valid dying declaration. When a dying declaration is considered as not admissible. Give illustration. [HJS 2010]
13. What is "Dying Declaration"? Whether the dying declaration by itself can be the basis for conviction? Give an example with case law. [M.P. CJ 2011]
14. Discuss the essential elements of 'dying declaration'. When is dying declaration relevant? Can dying declaration form the sole basis of conviction? [U.P. CJ 2015]
15. Explain briefly the cases in which statements of relevant facts by persons who is dead or cannot be found, is relevant. [M.P. CJ 2006]





16. State the four circumstances where the statements of relevant facts by a person, who is dead and cannot appear before the Court to give evidence are relevant. [M.P. CJ 2010]
17. In what circumstances statements made by persons who are dead or who otherwise cannot be called as witnesses, may be proved in a case? [U.P. CJ 2013, 2016]

RELEVANCY OF JUDGEMENTS

1. Explain the circumstances under which previous judgements are relevant. [BJS 2018]
2. Discuss the relevancy of judgments with the help of the provisions of the Indian Evidence Act, 1872 and reasonable illustrations. [U.P. CJ 2018]
3. What is judgment in rem and judgment in personam? [GJS 2017]
4. Write short note on Judgment in rem. [M.P. CJ 2016]
5. Write brief explanatory note on judgment in rem. [DJS 1973, BJS 1979]
6. Discuss : "Ordinarily the judgment binds only the parties to it". [RJS 1984]

EXPERT OPINION

1. Write short note on Opinions of Experts under The Indian Evidence Act, 1872. [GJS 2017]
2. Write notes on when is opinion of third person relevant. [BJS 2018]
3. Who is 'expert'? When are the opinions of third person relevant? What is the probative value of such evidence? What is the difference between an expert and an ordinary witness? [JJS 2017]
4. Write short note on Expert Opinion. [M.P. CJ 2016]
5. "An expert is not a witness of fact. His evidence is really of an advisory character." In the light of the statement, examine the provisions relating to expert evidence under Evidence Act, 1872. [HPJS 2019]
6. Discuss the circumstances in which opinions of third persons are relevant. How can the handwriting of a person be proved? [HPJS 2016]
7. Write note on Expert evidence. [BJS 1984, 1986, DJS 2005, U.P. CJ 2006, 2016, HJS 2019]
8. When are the opinions of experts relevant? What is their evidentiary value? Discuss. [U.P. CJ 1985, HJS 2000]
9. Discuss the evidentiary value of opinion of an 'Handwriting Expert'. [DJS 1984, HJS 2006]





10. What is expert opinion? Explain the evidentiary value of expert opinion. [U.P. CJ 1997, HJS 2010]
11. When the opinion as to electronic signature is relevant? [RJS 2015, 2016]
12. Whether court can discard and disbelieve post-mortem report and rely upon ocular statement of eye-witnesses? If yes, when and in which circumstances? [DJS 2018]

RELEVANCY OF CHARACTER

1. How far fact of 'bad character' is relevant to show the probability to commit crime? Explain in the light of Sections 14 and 54 of the Indian Evidence Act, 1872. [BJS 2017]
2. State the essential conditions for the admissibility of evidence of character in civil cases. [PJS 2006]
3. List the situation when evidence of bad character can also be given. Do you think that Indian law of evidence is based on law and not on logic? [HJS 2011]
4. Distinguish between reputation and disposition. [RJS 1971]
5. What are the provisions relating to the relevancy of character of the accused in a criminal case? [RJS 2011]
6. Write a short note on relevance of evidence as to the good character in civil and criminal cases. [DJS 2008]
7. Write short note on relevance of character in civil disputes. [DJS 2014]

FACTS WHICH NEED NOT BE PROVED

1. As mentioned in Section 57 of the Indian Evidence Act, enumerate and illustrate the facts of which court must take judicial notice. [HPJS 2018]
2. Name any two facts of which the court shall take judicial notice under section 57 of the Indian Evidence Act, 1872. [GJS 2020]
3. Write brief explanatory note on Judicial Notice. [BJS 1975, 1987, 2006, 1988, 1996, M.P. CJ 2013, HJS 1986]
4. How will you prove a municipal bye-law? [DJS 1984]
5. Answer the following giving the applicable provisions :
If a fact is admitted by a person is it still required to be proved? Can a court require an admitted fact to be proved? [DJS 2011]





6. What facts need not be proved? [U.P. CJ 1988, 2000]

ORAL EVIDENCE

1. Write short note on exclusion of oral evidence to prove documents. [BJS 2017]
2. Explain and illustrate :
"Oral evidence must in all cases be direct."
[BJS 1987, 2006, HJS 2000, DJS 1999, U.P. CJ 1983, 1984, 1992]
3. Explain the rules relating to hearsay evidence with exceptions, if any. [JJS 2017]
4. Explain in brief:
Hearsay evidence & Relevance of dying declaration under the Indian Evidence Act, 1872.
[GJS 2017]
5. Explain the reasons and the extent of the principle of exclusion of hearsay evidence under the Evidence Act. [BJS 1986]
6. "Hearsay evidence is not admissible". Explain. What are the exceptions to this general rule? [HJS 2000]
7. State the provisions of law and give reasons as to relevancy of the following facts :
(i) In a case of homicide against 'X', prosecution produces a statement of 'Y'. "I heard the cries and saw the dead body". [HJS 2011]
8. A agrees in writing to pay B Rs. 10,000 on the 1st of March, 1992. Can the fact that at the same time, an oral agreement was made that the money should not be paid till the 31st of March, be proved? [U.P. CJ 1992]
9. 'All facts except the contents of document may be proved by oral evidence, which in all cases be direct'. Discuss in brief. [U.P. CJ 2015]
10. Hearsay evidence is no evidence. Explain and state the exceptions.
[U.P. CJ 1986, 2003, HJS 2000, RJS 1999]
11. Explain the reason for exclusive of hearsay evidence. To what extent has the principle of exclusion of hearsay evidence been adopted in the Indian Evidence Act? [U.P. CJ 2000]
12. Distinguish between hearsay and direct evidence. [RJS 1971]
13. What are the exceptions to the general rule that, "Hearsay evidence is not admissible"? [M.P. CJ 2009]





DOCUMENTARY EVIDENCE

1. What is primary evidence? [RJS 1992]
2. Write note on primary and secondary evidence. [BJS 1977]
3. Explain 'secondary evidence'? Under what circumstances it is admissible? [HJS 2000]
4. When an original document has been lost, its contents cannot be proved by secondary evidence. [GJS 2020]
5. In what circumstances can secondary evidence be produced in court? [PJS 2003]
6. What is secondary evidence? Under what circumstances it can be given? Is uncertified copy of public document admissible if original has been destroyed? [HJS 2015]
7. What secondary evidence means and includes? [RJS 1988]
8. Explain "evidence" and kinds of "evidence". [BJS 2000]
9. Write short, critical note on primary and secondary evidence. [HJS 1984, DJS 2006, BJS 2006]
10. What is secondary evidence a photocopy of a photocopy? Such evidence can be given? Discuss elaborately. [M.P. CJ 2012, 2014]
11. Explain 'secondary evidence'. Discuss the circumstances in which it is admissible. [U.P. CJ 1987]
12. What are the different modes of proof under Indian Evidence Act, 1872? Whether electronic evidence, without being supported with the certificate under section 65B, is admissible? Discuss with the help of statutory provisions and judicial decisions. [HPJS 2019]
13. Oral admission as to contents of electronic records and its relevancy. [M.P. CJ 2007]
14. Write short note on admissibility and appraisal of electronic evidence. [DJS 2005]
15. Discuss the provisions relating to admissibility of electronic records in evidence as per provisions of Indian Evidence Act, 1872 [RJS 2016]
16. How contents of electronic records may be proved and how it becomes admissible in any proceeding? [M.P. CJ 2007, 2015]
17. What is primary and secondary evidence? Explain. When may secondary evidence relating to documents be given? [RJS 1984, M.P. CJ 1996, 2001]





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18. Proof as to verification of digital signature. [M.P. CJ 2007]
19. Two wills in identical language were prepared by the process of typing in which the second copy was obtained by carbon impression. Both were executed and attested. The testator inserted a remark "true copy" on one of them. Can both the wills be treated to be original and as primary evidence? [HJS 2006]
20. Is it necessary to call an attesting witness in proof of the execution of a document required by law to be attested? [HJS 2006]
21. Explain what is meant by 'Public Documents' and 'Private Documents'. What are the presumptions as to electronic records and digital signature? [BJS 2006]
22. Write a short note on "Public Documents" and "Private Documents". [JJS 2001, RJS 2014]
23. A sale-deed is duly registered and an entry made by the Registrar in the register book. Can the registered sale-deed and the aforesaid entry be treated as public documents? [HJS 2006]
24. What are public documents? How can they be proved in a court of law? Whether the certificate granted by the Head of an educational institution regarding the date of birth of a student, would be a public document? [RJS 1974, 1988, 2015 M.P. CJ 2003, U.P. CJ 2013]
25. How will you prove a certificate of registration? [DJS 1984]
26. How can certified copy of a public document be proved? [DJS 2005]
27. Discuss the meaning and utility of presumptions. Draw distinction between Rebuttable Presumption of Law and Irrebutable Presumption of Law. [U.P. CJ 2018]
28. What is the presumption relating to Telegraphic message? [RJS 1984]
29. State the presumption of 30 years old documents. [RJS 1986]
30. What do you know about 'Documents thirty years old'? [RJS 1994]
31. Presumption as to electronic messages. [M.P. CJ 2007]
32. Presumption as to electronic records five year old. [M.P. CJ 2007]
33. Cyber crime and electronic evidence: Is it admissible? [DJS 2010]
34. Relevancy to verification of digital signature. [M.P. CJ 2007]





35. What is the best evidence rule? Discuss the circumstances when oral evidence can be given regarding a document. [HPJS 2016]

EXCLUSION OF ROAL EVIDENCE BY DOCUMENTARY EVIDENCE

- 'In determining the admissibility of evidence, the production of best evidence should be extracted'. Discuss. [BJS 1979]
- Oral evidence is excluded by documentary evidence. Explain this rule and state the exceptions, if any, to this rule. [HJS 1986, M.P. CJ 2019]
- "Oral evidence cannot be substituted for the written evidence of any contract, which the parties have put into writing". Discuss and illustrate. [HJS 1996]
- Explain and illustrate the following:
- "What is in writing shall only be proved by the writing?" [U.P. CJ 1983, HJS 2000, 2006]
- Distinguish between Latent and Patent ambiguities. Give examples of such ambiguities. [U.P. CJ 1986, 2003, HJS 2000, 2006]
- "Oral evidence as to content of a document is not relevant". Comment. [HJS 2006]
- With the help of at least two illustrations of each, explain the distinction between latent and patent ambiguity. [RJS 1970]
- What do you understand by 'latent ambiguity' of a document? [RJS 1988]
- What are Latent and Patent ambiguities? Can evidence be led to explain them? [RJS 1994]
- Exclusion of oral evidence in context of documents. [DJS 2014]
- Describe the circumstances under which oral evidence is excluded by documentary evidence. [M.P. CJ 2003]
- Discuss, the rule of 'exclusion of oral evidence by documentary evidence'. [M.P. CJ 2015]
- 'A' agrees to sell to 'B' for Rs. 1000/- "my white horse". 'A' has two white horse. Can evidence be given of facts which of them was meant? [U.P. CJ 2000]
- Under what circumstances evidence of an oral agreement or statement contradicting, varying, adding to or subtracting from its terms is not excusable? [U.P. CJ 2013]
- Write short note on patent and latent ambiguity. [U.P. CJ 2013]





BURDEN OF PROOF

1. Explain the meaning of burden of proof. On whom burden of proof lies? Comment. [BJS 2018]
2. Write short note on rule of burden of proof. [M.P.CJ 2018]
3. What are the rules of burden of proof? What is nature of burden of proof on accused under Section 105 Indian Evidence Act? [HJS 1986]
4. What do you understand by burden of proof? On whom does it lie and how does it shift? [HJS 2000]
5. What norms of "burden of proof in a criminal case are applicable when the accused defends himself on the ground of any general or special exceptions in the Indian Penal Code? [HJS 2006]
6. Discuss "The Burden of Proof" with the help of Judgments? [DJS 2006]
7. Is birth during marriage, conclusive proof of legitimacy? What is presumption as to abetment of suicide by married women? What is presumption as to dowry death? [M.P. CJ 2018]
8. Answer with reasons while mentioning the related decided case:
A is charged with travelling on a railway without a ticket. On whom the burden of proof that he had a ticket shall lie? [U.P. CJ 2018]
9. A has not been heard of for more than seven years. On whom burden of proof lies that A is alive? [HJS 2000]
10. In a criminal trial the burden of proof is always on the prosecution. Has this rule any exceptions? [HJS 2003]
11. What is meant by 'Res Ipsa Loquitur'? [U.P. CJ 1982, RJS 1988]
12. Write short note on: burden of proving fact especially within the knowledge. [RJS 2014]
13. State briefly the law relating to 'burden of proof under the Indian Evidence Act. [DJS 1989]
14. What is Onus of proof? [DJS 1973]
15. Explain the law relating to 'burden of proof'. Is the law in relation to civil cases different from criminal cases. Explain. [U.P. CJ 2012]
16. Explain the law as to the proof of legitimacy of a child. Is it enough to prove that the child was born during a valid marriage? [BJS 2014]





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17. P was the wife of X. Two months after the death of X she marries Y. Five months after the marriage a son Z is born to P. Who is legally the father of Z? [HJS 1988]
18. A wife becomes pregnant through artificial insemination using the husband's sperm without his permission. Husband and wife have not met in two years. The child is born with severe disabilities. Husband denies the child to be his. Decide. [HJS 2011]
19. Describe different kinds of presumption under Indian Evidence Act, 1872. When can the presumption under Section 113B of Indian Evidence Act, 1872 be revised? Presumptions as to certain facts by the court (S. 114) [M.P. CJ 2001]
20. Discuss with illustrations the law where a court may presume existence of any fact which it thinks likely to have happened in common course of natural events, human conduct and public and private business in a particular case. [RJS 2014]
21. What is the presumption as to absence of consent in certain prosecutions for rape? [RJS 2011]
22. There is a presumption of death if a person is not heard of for seven years by those who are supposed to have heard about him but is there any presumption of time of his death? Discuss the issue with reference to case law. [PJS 2003]
23. A Hindu woman was married to S in October, 1986, S died in June, 1990. She then married another man K in July, 1990 and gave birth to a son in September, 1990. Can it be lawfully claimed that the son is the legitimate son of K? [PJS 2006]
24. The rules of proof in civil and criminal cases are generally the same. But point out some differences which must be noted in the process of dealing with cases of civil and criminal nature. [HPJS 2018]
25. In a suit by A against B several issues are framed, onus of some of which is on B, the defendant. A after examining his witnesses closes his evidence. Thereafter, B leads evidence. After the conclusion of the evidence of B, A applies for leading evidence in rebuttal and which is objected to by B. [DJS 2008]
26. Whether A should be allowed to lead rebuttal evidence. [DJS 2008]
27. Explain when the court may presume existence of certain facts under Section 114 of the Indian Evidence Act. Explain with illustrations. [HPJS 2016]

ESTOPPEL

1. Write note on Estoppel. [BJS 1980, 2011, U.P. CJ 1984, HJS 1988, 1996]
2. Explain 'estoppel' and kinds of estoppel. [BJS 2000, 2006]





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3. Critically examine whether estoppel can be pleaded by both plaintiff and defendant. Illustrate your answer. [PJS 1995(II)]
4. What is estoppel? State different kinds of estoppel. [RJS 1971]
5. What conditions must be satisfied by a person before he can raise the plea of estoppel? [HJS 1998, 2006]
6. State and illustrate the rule of estoppel as enacted in Indian Evidence Act. [HJS 2001]
7. What is promissory estoppel? Explain. [RJS 1986]
8. Explain and illustrate Estoppel. [U.P. C] 1988]
9. Doctrine of promissory estoppel. [HJS 1988, U.P. C] 1991]
10. Explain the doctrine of estoppel and distinguish between admission and estoppel. [U.P. C] 2015]
11. 'A' taken a house on lease from 'B' and lives there as tenant. 'B' made a demand to 'A' for payment of arrears of rent for three months. 'A' contends that 'B' is not the owner of the house. Can 'A' be permitted to deny the title of 'B' in the said house? Give reasons for your answer. [U.P. C] 2015]
13. Define estoppel? [PJS 2007]

WITNESSES

1. Who can be witness? In a criminal trial, Mr. Z is produced as a witness. Prosecution wishes to examine him relating to a fact which will necessarily expose him to a criminal charge. If Mr. Z speaks the truth, can he be prosecuted? Discuss with the help of statutory provisions and judicial decisions. [HPJS 2019]
2. How a witness who is unable to speak may give his evidence? [RJS 2014]
3. Write notes on Interested witness. [DJS 1982]
4. Write notes on Expert witness. [DJS 1982]
5. Write notes on competent witness. [DJS 1982]
6. Write a short note on Competence of a witness to testify. [DJS 2008]
7. 'State the exceptions to the general rule that a witness is bound to tell the whole truth and to produce any document in his possession relevant in issue.' [U.P. C] 1983]





8. Who may testify?

[U.P. CJ 2013]

PRIVILEGED COMMUNICATIONS

1. Discuss in detail Privileged Communication. [GJS 2017]
2. Discuss the scope of privileged communication protected under Section 123 of Evidence Act, 1872.
3. A criminal complaint is filed against certain government functionaries under Prevention of Corruption Act. Complainant wishes to use 'leaked document' relating to 'affairs of state'. State makes objection, primarily, under Section 123g, Evidence Act. Decide the objection. [HPJS 2019]
4. Official Communication has been kept in privileged category on the principle of *salus populi suprema lex*. Explain. [PJS 2012]
5. Write note on Privileged Communications. [BJS 1980, 1986, HJS 1986, 1988, 1996, 1998, DJS 2008]
6. What constitutes competency to give evidence? Can a lunatic or dumb person be a competent witness? [HJS 2001]
7. Are "professional communications" protected from disclosure? [HJS 2006]
8. Can a Judge compel any witness to answer any question or produce any document or dispense with primary evidence of any document? [HJS 2006]
9. Can a witness be excused from answering a question on ground that answer will incriminate? [HJS 2006]
10. "Witness not excused from answering on ground that answer will incriminate" Do you agree? [HJS 2006]
11. What do you understand by 'Privileged Communications'? Answer with the aid of suitable illustrations. [HJS 2010]
12. A witness is compelled to state a matter, which will expose him to a criminal charge. If he speaks the truth, can he be prosecuted on the basis of his own statement in the Court? If he makes a false statement, can he be prosecuted for giving false evidence? [HJS 2010]
13. Write exhaustive but brief note on Privileged communications. [U.P. CJ 2006, 2016]
14. Discuss the provisions in respect to the "communications during marriage", "Official Communications" and "Professional Communications". [M.P. CJ 2012]





15. Explain the legislative policy behind Sections 123 and 162 of the Indian Evidence Act?

[DJS 2007]

ACCOMPLICE

1. Write comprehensive notes on Approver. [HJS 2019]
2. Who is an accomplice? Can a court base the conviction of an accused solely on the basis of the testimony of an accomplice. Substantiate with case law. [HJS 2009, 2019]
3. "Section 133 of Evidence Act provides that 'an accomplice shall be a competent witness against an accused person; and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice.' However, Illustration (b) to section 114 of Evidence Act lays down that 'the Court may presume that an accomplice is unworthy of credit, unless he is corroborated in material particulars'. It seems that these two provisions are contradictory to each other."
Examine the probable contradiction between both of these provisions in the light of judicial decisions. [HPJS 2019]
4. Who is a competent witness? Who is a hostile witness? How shall the court appreciate testimony of a hostile witness? [PJS 2015]
5. Evidence of Accomplice. [HJS 1984, 1998]
6. Explain an accomplice. How far and to what extent the testimony of an accomplice can be relied upon. [BJS 2000, 2011]
7. Write explanatory note on Accomplice. [BJS 1987, HJS 1988, U.P. CJ 2018]
8. Write brief note on approvers and accomplices. [HJS 2007]
9. Write short note on accomplice evidence. [DJS 2005]
10. Who is an accomplice? Describe the relevancy of the evidence of an accomplice. Support your answer with the help of statutory provisions also. [U.P. CJ 2016]
11. Who is an accomplice? What is nature, scope and value of his evidence in a criminal trial? [DJS 1980]
12. A is charged with murder of C. There is some evidence to show that A and B murdered C. Is B's statement "A and I murdered C" admissible against A? [HJS 2009]
13. "The law contained in section 133 of the Indian Evidence Act, 1872 is not a good law and hence the practice is otherwise" examine the statement. [U.P. CJ 1997]





EXAMINATION OF WITNESSES

1. Write note on Examination-in-Chief. [HJS 1984, 2001]
2. Explain Cross Examination. [JJS 2019]
3. Explain the importance of cross examination of a witness. [BJS 2000]
4. Write short note on Cross-examination. [HJS 2001]
5. Write short note on Re-examination. [HJS 2001, U.P.CJ 2013]
6. Can a party cross-examine his own witness; if so, under what circumstances? [HJS 1998]
7. When a witness is cross-examined what other questions can be asked in addition to the questions relating to the incident. [U.P. CJ 1988]
8. Write note on Cross Examination. [BJS 1977, 2011]
9. Write explanatory note on Importance of Cross-examination of a witness. [BJS 2006]
10. Whether provisions of Section 154 of the Indian Evidence Act make any distinction between a civil or a criminal case. At what stage of the examination can the witness be cross-examined by the party who called him as a witness. [DJS 2019]
11. What are the reasons for the witnesses turning 'hostile' during trial. Can a 'hostile' witness be permitted to subvert a criminal trial? To what extent the testimony of a 'hostile' witness can be read against the accused. [DJS 2019]
12. Write detailed note on FIR is not a substantive piece of evidence. [JJS 2019]
13. Write note impeaching the credit of a witness. [BJS 1977,1980, 1984, U.P. CJ 2012]
14. "When a witness is asked and answers any question which is relevant only to shake his credit, then as a general rule no evidence can be given to contradict him". Comment and describe, the exceptions, if any, to this general rule. [JJS 2014]
15. Explain as to how the credit of a witness be impeached by the adverse party? [HJS 2006]
16. A witness is asked in cross-examination whether he was dismissed from service for dishonesty. He denies. Evidence is offered to show that he was dismissed for dishonesty. Is the evidence admissible? [HJS 2010]
17. Can a Judge base his judgment on answer to irrelevant matters? What are the restrictions on the power of the Court to compel a witness to produce any document? [HJS 2011]





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18. "Non-examination of the investigation officer at a criminal trial is a serious lapse on the part of the prosecution agency". [DJS 1991]
19. How can a party impeach the credit of witness in following circumstances?
(1) Its own witness and
(2) A witness produced by the opposite party. [M.P. CJ 2014, 2019]
20. A witness is asked whether he was ever dismissed from a post on the ground of dishonesty. He denies it. Evidence is offered to show that he was dismissed for dishonesty. Examine the admissibility of evidence. [U.P. CJ 2012]
21. Describe the provisions of the Evidence Act which empower the court to report the circumstances of the case to the High Court or other authority to which such barrister, pleader, vakil or attorney is subject in the exercise of his profession. [U.P. CJ 2013]
22. What is cross-examination? What questions can be put to a witness in Cross examination? What questions can be put to a witness to test his veracity? [HJS 1984]
23. How the credit of a witness can be impeached? [HJS 1996]
24. How would the court decide that a particular question is proper or improper? [HJS 1999]
25. In the Indian Evidence Act what is meant by "refreshing memory"? [RJS 1991]
26. With reference to questions that may be asked, indicate the scope of cross-examination as distinguished from examination-in-chief. [DJS 1989]
27. What is a leading question? Whether and in what circumstances a leading question may be asked during examination of witnesses? [U.P. CJ 1984, BJS 1991, 2014]
28. Enumerate the situations when leading questions can be asked during Examination-in-chief and Re-examination. Also point out when it is not allowed during cross-examination. [HJS 2011]
29. Explain the ways by which credit of a witness may be impeached under the Indian Evidence Act. Differentiate between Section 145 and clause (3) of Section 155 of the Indian Evidence Act. [HPJS 2016]
30. How a witness can be contradicted by the previous statements made by him in writing? [RJS 2016]
31. Write brief explanatory note on Hostile witness. [BJS 1975, HJS 1986, 1988, RJS 1992, U.P. CJ 1987, DJS 1973, 1982, 2005, PJS 2010, 2019, JJS 2019]





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32. Can improper admission or rejection of evidence be a basis for a new trial or reversal of any decision in any case? [HJS 2006]
33. Explain the judge's power to put questions or require production of documents from a party during trial of a case. [BJS 2014]



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