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# AIBE PRACTICE MCQs (BSA, 2023)

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### AIBE PRACTICE MCQs (BSA, 2023)

1. **Which of the following are included under 'Court' defined under Bharatiya Sakshay Adhiniyam, 2023?**
  - (a) All judges, magistrates & all persons legally authorised to take evidence.
  - (b) All judges, magistrates & arbitrators .
  - (c) Judges, magistrates only .
  - (d) Judges, magistrates & advocates .
2. **Irrefutable presumptions of law are indicated by the Bharatiya Sakshay Adhiniyam, 2023 by the expression of**
  - (a) may presume
  - (b) shall presume
  - (c) conclusive proof
  - (d) All of these
3. **Which word has been used for the first time in the definition of 'document' in Bharatiya Sakshya Adhiniyam, 2023 which was not used in the definition of 'document' in Indian Evidence Act, 1872?**
  - (A) Electronic record
  - (B) There is no change in the definition of document
  - (C) Digital record
  - (D) Electronic and Digital record
4. **In a trial, while explaining any circumstances appearing in evidence against him, an accused of committing murder states that due to grave and sudden provocation he was deprived of the power of self-control and thus, inflicted a blow of the stick to A Causing his death. The burden to prove grave and sudden provocation is on-**
  - (a) The Prosecution
  - (b) The Investigating agency
  - (c) The Court
  - (d) The Accused
5. **An information, supplied by an accused under Section 23 proviso Bharatiya Sakshya Adhiniyam, shall be recorded:**
  - (a) In presence of two independent Panch witnesses.
  - (b) In presence of a Gazetted Officer.
  - (c) In presence of two Police Officers.
  - (d) None of the above.
6. **Facts, which, though not in issue, are so connected with a fact in issue as to form part of the same transaction, whether they occurred at the same time and place or at different times and places:**
  - (a) are irrelevant.
  - (b) are relevant.
  - (c) are partly relevant.
  - (d) none of the above.
7. **Which of the following statements, as per provisions of the Bharatiya Sakshya Adhiniyam 2023, is not correct:**
  - (a) Facts which are inconsistent with any fact in issue, shall not be relevant.
  - (b) Facts not otherwise relevant are relevant if by themselves or in connection with other facts, they make the existence or non-existence of any fact in issue or relevant fact highly probable or improbable.
  - (c) Any fact is relevant, which shows or constitutes a motive or preparation for any fact in issue or relevant fact.
  - (d) Admissions are not conclusive proof of the matters admitted, but they may operate as estoppels under the provisions of the Bharatiya Sakshay Adhiniyam, 2023.
8. **Kaushal Rao Vs. State of Bombay A.I.R-1958 S.C. 22 is related with which topic of the law of evidence:**
  - (a) Confession
  - (b) Admission
  - (c) Dying declaration
  - (d) Estoppel
9. **In which of the following case the Supreme Court rejected the Dying Declaration which was recorded by the Magistrate but which was not signed by the declarant ??**
  - (a) Harnam Vs. State of U.P.
  - (b) State of U.P. Vs. Shishpal Singh
  - (c) State of Punjab Vs. Bakshish Singh
  - (d) None of the above
10. **Relevant facts to consider a statement under sec 26 Bharatiya Sakshya Adhiniyam are-**
  - (a) When it relates to cause of death
  - (b) When it relates to existence of relationship
  - (c) When it is made in will or in deed relating to family affair
  - (d) All the above
11. **What condition must be satisfied for prior evidence to be relevant under Section 33 (27 BSA) of the Indian Evidence Act, 1872?**
  - (A) The evidence must have been recorded in the presence of a jury.
  - (B) The proceeding was between the same parties or their representatives in interest.



- (C) The evidence must have been published in a government gazette.  
(D) The evidence must have been corroborated by expert opinion.
- 12. Which Section of The Bharatiya Sakshya Adhiniyam, 2023 pertains to opinions of experts?**  
(A) Sec. 38  
(B) Sec. 39  
(C) Sec. 36  
(D) Sec. 46
- 13. Which one of the following Provision of the Bharatiya Sakshya Adhiniyam is not matched?**  
(a) Sec. 2(b)(h)(l) - May Presume, Shall Presume, Conclusive Proof  
(b) Sec. 3 - Evidence may be given of facts in issues and relevant facts  
(c) Sec.15 - Relevant Fact  
(d) Sec. 39(1)- Opinion of experts
- 14. According to Section 46 of Bharatiya Sakshya Adhiniyam, when character evidence is relevant in civil cases ?**  
(A) Always relevant to prove conduct  
(B) Only when related to other relevant fact  
(C) Never relevant  
(D) Only in criminal cases
- 15. Confession is inadmissible in the following conditions if it is made by the accused**  
(A) To a magistrate whilst he is in the custody of a police officer  
(B) To a spiritual advisor under the inducement for the good of his soul  
(C) To his friend whilst he is not in the custody of a police officer  
(D) To a doctor whilst he is in the custody of a police officer
- 16. Test identification parade is**  
(A) Substantive evidence  
(B) No evidence  
(C) Corroborative evidence  
(D) Hearsay evidence
- 17. Which of the following facts are required to be proved?**  
(a) All laws in force in the territory of India.  
(b) Public festivals and holidays notified in official Gazette.  
(c) The Rules of the road.  
(d) None of the above.
- 18. The term "Judicial notice" under Bharatiya Sakshya Adhiniyam, 2023 means:**  
(a) Notice given by the court
- (b) Information given to the court  
(c) To ask for evidence  
(d) To recognise without proof something as existing
- 19. Photostat copy of family settlement deed is allowed to be produced before the court as an**  
(a) primary evidence  
(b) original evidence  
(c) secondary evidence  
(d) electronic evidence
- 20. During a court trial, the defence lawyer objects to the admissibility of certain papers produced as evidence. The judge clarifies that only documents categorized as public documents under the Indian Evidence Act, 1872, can be accepted without strict proof. Which category of documents would fall under public documents in this context?**  
(A) Draft agreements between individuals  
(B) Personal diaries of government officials  
(C) Internal notes of a private company  
(D) Judicial and executive acts of public officers
- 21. Which of the following documents is "Public Document?"**  
(a) only the documents forming records of the acts of sovereign authority.  
(b) only the documents forming records of the acts of official bodies.  
(c) only the public records kept in any state of private documents.  
(d) All of these.
- 22. Which one of the following Section Under Bharatiya Sakshya Adhiniyam has been inserted by Sec 95 BSA and Schedule II of the Information Technology Act, 2000 ?**  
(a) Sec 60 BSA  
(b) Sec 157 BSA  
(c) Sec 66 BSA  
(d) Sec 65 BSA
- 23. Point out the incorrect statement:**  
(a) If a contract is contained in several letters, all the letters in which it is contained, must be proved  
(b) If a contract is contained in a bill of exchange, the bill of exchange must be proved  
(c) If a bill of exchange is drawn in a set of three, one only need be proved  
(d) If 'A' gives 'B' receipt for money paid by 'B', oral evidence is offered of the payment, the evidence is not admissible



24. In a criminal case, the primary burden to prove a fact is upon-
- Accused
  - Prosecution
  - Police
  - Court
25. An accused in police custody, informs to the Station House Officer that the key by which he opened the safe and committed theft is kept by him in the patio of his house. To what extent this information can be proved?
- For committing an offence of theft
  - For opening lock of safe
  - For committing theft by opening safe and destroying evidence
  - For keeping the key in patio of house
26. 'A' desires a court to give judgment that he is entitled to certain land in the possession of 'B' on basis of certain facts. 'B' denies them to be true. Under Section 104 of Bharatiya Sakshya Adhiniyam, 2023
- 'A' must prove the existence of those facts
  - 'A' need not prove the existence of those facts
  - 'A' cannot prove the existence of those facts
  - None of the above
27. Which of the following case is not related to the confession ?
- PulukuriKotayya V. King Emperor
  - State of U.P. V. Devman Upadhyay
  - State of Bombay V. Kathi Kaloo
  - T.J. Ponnamm V.M.C. Verghese
28. Which of the following sections of Bharatiya Sakshya Adhiniyam applies to the pleaders relating to professional communications ?
- Sec 133 BSA and Sec 131 BSA
  - Sec 134 BSA and Sec 135 BSA
  - Sec 132 BSA and Sec 132(2) BSA
  - Sec 136 BSA and Sec 137 BSA
29. Which one of the following is not correctly matched?
- Hostile Witness
  - Impeaching Credit of Witness
  - Professional Communication
  - Refreshing Memory
30. The doctrine of estoppel means-
- Not to make statement in consonance to the earlier statement
  - Restriction to make statement contrary to the earlier statement/admission

- Res judicata
- Vague statement

31. Who one of the following is not a Competent witness to testify under Bharatiya Sakshya Adhiniyam, 2023?
- Persons capable of understanding the question put to them by the court
  - Unclustic woman
  - Witness unable to speak
  - Idiot
32. Which provision stipulates that lunatic can be a competent witness?
- Section 22 of BNSS
  - Section 124 of BSA
  - Section 125 of BSA
  - None of the above
33. Which of the following is not correctly matched?
- Communications during marriage - Section 128 of the BSA, 2023
  - Confidential communications with legal advisers - Section 127 of the BSA, 2023
  - Professional communications - Section 132 of the BSA, 2023
  - Official communications - Section 130 of the BSA, 2023
34. Under which of the following conditions, a leading question may be asked during examination-in-chief with the permission of the Court:
- In matters which are disputed or not introductory.
  - When matter in question is sufficiently proved.
  - Under both of the above conditions.
  - Under none of the above conditions.
35. Assertion (A): Proviso to Section 137, Bharatiya Sakshay Adhiniyam is a facet of rule against self-incrimination  
Reason (R): Policy of Section 137 of Bharatiya Sakshay Adhiniyam is to procure evidence for doing justice.  
Choose the correct answer from the code given below:
- Both (A) and (R) are true and (R) is the correct explanation of (A)
  - Both (A) and (R) are true and (R) is not the correct explanation of (A)
  - (A) is true, but (R) is false
  - (A) is false, but (R) is true



36. In which of the following case the Supreme Court held that, "where the witness became confused in the course of his examination, the court could put questions to him to elicit the truth?"

- (a) State of Rajasthan Vs. Eni
- (b) D.C. Wadhwa Vs. State of Bihar
- (c) Shankari Prasad Vs. Union of India
- (d) Lila Dhar Vs. State of Rajasthan

37. Given below are two statements:

**Statement I:** Under Bharatiya Sakshya Adhiniyam, 2023 a witness may be cross-examined as to previous statement made by him in writing or reduced into writing and relevant to matter in

**Statement II:** A witness may give oral evidence of statement made by other person about the question without such writing being shown to him. contents of documents, if such statements are in themselves relevant facts.-

In the given below:

- (A) Both Statement I and Statement II are true.
- (B) Both Statement I and Statement II are false.
- (C) Statement I is true but Statement II is false.
- (D) Statement I is false but Statement II is true.

38. Which Section of Bharatiya Sakshya Adhiniyam, makes the provision that there shall be no new trial on the ground of improper admission or rejection of evidence ?

- (a) Sec 169 BSA
- (b) Sec 164 BSA
- (c) Sec 168 BSA
- (d) Sec 150 BSA

39. How many Sections are provisions in the Bharatiya Sakshya Adhiniyam, 2023?

- (A) 168
- (B) 169
- (C) 170
- (D) 172

40. Which of the following is related with the case of Robins vs. National Trust Co. ?

- (a) Doctrine of Estoppel
- (b) Burden of proof
- (c) Doctrine of Res gestae
- (d) Hostile witness

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Answer Key (BSA, 2023)**

| Q. No. | Ans. | Q. No. | Ans. | Q. No. | Ans. | Q. No. | Ans. |
|--------|------|--------|------|--------|------|--------|------|
| 1.     | [a]  | 11.    | [b]  | 21.    | [d]  | 31.    | [d]  |
| 2.     | [c]  | 12.    | [b]  | 22.    | [c]  | 32.    | [b]  |
| 3.     | [c]  | 13.    | [c]  | 23.    | [d]  | 33.    | [b]  |
| 4.     | [d]  | 14.    | [b]  | 24.    | [b]  | 34.    | [b]  |
| 5.     | [d]  | 15.    | [c]  | 25.    | [d]  | 35.    | [a]  |
| 6.     | [b]  | 16.    | [c]  | 26.    | [a]  | 36.    | [a]  |
| 7.     | [a]  | 17.    | [d]  | 27.    | [d]  | 37.    | [a]  |
| 8.     | [c]  | 18.    | [d]  | 28.    | [c]  | 38.    | [a]  |
| 9.     | [b]  | 19.    | [c]  | 29.    | [c]  | 39.    | [c]  |
| 10.    | [d]  | 20.    | [d]  | 30.    | [b]  | 40.    | [b]  |

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1. Ans [a]

**Linking Provisions:-**

1. **Sec 2(5) BNS** –Court of Justice.
2. **Sec. - 6** Criminal Court Division BNSS .
3. Mediation and Conciliation Act.

**Explanation:- Sec 2 BSA–** Court" includes all Judges and Magistrates, and all persons, except arbitrators, legally authorized to take evidence.

2. Ans. [c]

**Linked Provision- Sec.2(b)(h)(l), Sec 35, 116 BSA),**

**Explanation-** Acc. to Sec.2(b)(h)(l), when one fact is declared by the Bharatiya Sakshay Adhiniyam to be conclusive proof of another, the court, on proof of that fact must regard the other having been proved and it (court) shall not permit any kind of evidence for the purpose of rebutting or disproving that fact

3. Ans. [C]

**Linked Provision :- Sec. 20,33 56-73, 74, 94,95 & BNS 2(8), 2(31), Cha. 18**

**Explanation :-** The definition of "Document" under **Section 2(d) of the Bharatiya Sakshya Adhiniyam, 2023 (BSA)** has been modernized to reflect technological developments.

Under the **Indian Evidence Act, 1872**, the definition of "document" referred to:

- **Any matter expressed or described upon any substance by means of letters, figures or marks**, intended to be used as evidence.

Although the **Information Technology Act, 2000** later inserted the term "**electronic record**" into the Evidence Act, the **Bharatiya Sakshya Adhiniyam, 2023** has, **for the first time**, expressly included the term "**digital record**" in the definition of "document." Thus:

- **Electronic record** → Already recognized under the Indian Evidence Act (after the IT Act amendments).
- **Digital record** → **New expression introduced in the BSA, 2023.**

Therefore, **Option (C)** is the correct answer.

4. Ans. [d]

**Linked Provisions:-**

1. **Sec. 104, 105 BSA** - Burden of proof and on whom burden of proof lies.
2. **Sec. 14-44 BNS** - General exceptions (I.P.C., 1860).
3. **Sec. 101 BNS**
4. Plea alibi (**Sec. 9 BSA**)

**Explanation** - Based on illustration to section 105.

**(Sec. 108 BSA)** - Where a person is accused of an offence, the burden of proving existence of circumstances bringing the case within any of the general exceptions or an exception to that offence or a proviso rests on him.

5. Ans. [d]

**Linked Provisions:-**

1. Sec. 23 BSA
2. Sec. 19 BSA
3. Sec. 181 BNSS
4. **Article 20(2) CoI**

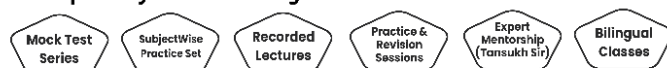
**Explanation** -According to sec. 23, the knowledge of any fact which is received from the accused in police custody need not be in the face of independent evidence.

**Sec.23 BSA**-Evidence as to any fact discovered from information received from a person accused of an offence who is in police custody may be proved in so far as evidence gives information of that fact.

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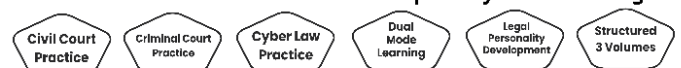
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**6. Ans. [b]**

**Linked Provisions :-**

1. **Sec. 2 BSA** - Relevant and fact in issue
2. **Sec. 13 BSA** - Similar transaction.

**Explanation** - Sec. 4 BSA - Principle of res gestae - Facts which, not being in issue, are so connected with fact in issue as to be part of the same transaction, are relevant.

**7. Ans. [a]**

**Linked Provisions:-**

1. **Sec. 6 BSA** - Motive, preparation, previous and subsequent conduct.
2. **Sec. 25 BSA** - Admissions are not conclusive but in the form of estoppel.
3. **Sec. 9 BSA** - Based on Plea of alibi.
4. **Sec. 9 BSA** - Facts not otherwise relevant are relevant if-
  - (1) If it is inconsistent with a fact in issue or a relevant fact.
  - (2) If they render the existence or non-existence of a relevant or in issue fact probable or improbable.

**8. Ans. [c]**

**Linked Provisions :-**

1. **Sec 160/161 BSA**-Corroboration from previous statements.
2. **Sec 19 BSA** -Circumstances when admission is relevant in favour of the person making it.
3. **Section 162** - Statement made to police officer admissible, when circumstances of section 26 exist
4. **Sec 55 BSA**-Admissibility of hearsay evidence as an exception.
5. **Sec 26 BSA**-Person who has died, has become unable to give evidence, cannot be found, whose attendance cannot be procured without delay or expense which is not reasonable, the statement made is relevant.

**Explanation**- Case- Kushal Rao v. State of Bombay, 1958- Relating to dying declaration, decided by Supreme Court, conviction based on dying declaration alone is valid.

**9. Ans. [b]**

**Linked Provision- Sec 26(a) BSA L/w Sec 27 BSA.**

**Explanation**- Sec 26(a) BSA deals with the dying declaration. A dying declaration is a declaration written or verbal made by a person, as to the cause of his death or as to any of the circumstances of the transaction, which resulted in his death. A dying declaration is considered credible and trustworthy evidence based upon the general belief that most people who know that they are about to die do not lie.

**Case Law**- In State of UP vs. Shishpal Singh, it was held that Dying Declaration which was recorded by the Magistrate but not signed by the declarant can't be accepted.

**10. Ans. [d]**

**Linked Provision: - Sec 26 BSA L/w sec. Sec 27 BSA.**

**Explanation:** Statement of following persons can be relevant under section 26-

- a) The person who is dead.
- b) The person who cannot be found.
- c) By the person who is incapable of giving evidence.
- d) Unreasonable delay or expenses.

**Following Statements are relevant u/s 26 BSA**

- a) When the statement is related to cause of death.
- b) A statement made in the ordinary course of business.
- c) The statement made against the interest of the maker.
- d) The statement which gives an opinion as to public right or custom.
- e) The statement as to the existence of a relationship.
- f) A statement made in a will or deed in family affairs.
- g) Statement in a document relating to transaction creating a Right or custom.
- h) A statement made by several persons expressing feelings relevant to the matter in question.

**11. Ans[B]**

**Linked Provision**

- **Sec. 33(27 BSA), IEA, 1872** - Relevancy of certain evidence given in previous judicial proceedings.
- Ensures that prior testimony can be used in later proceedings, but only under strict safeguards to protect fairness.



#### Explanation

- **Section 33 (27 BSA)** of the Indian Evidence Act, 1872 deals with the relevancy of evidence given in previous judicial proceedings.
- Prior evidence becomes relevant in a later proceeding if certain conditions are satisfied:
  1. The earlier proceeding was between the same parties or their representatives in interest.
  2. The witness whose evidence is being used is now dead, cannot be found, incapable of giving evidence, or kept out of the way by the adverse party.
  3. The adverse party in the first proceeding had the right and opportunity to cross-examine the witness.
  4. The questions in issue in both proceedings must be substantially the same.

Thus, the key condition is that the proceeding must be between the same parties or their representatives in interest.

#### 12. Ans[B]

##### Linked Provision :-

- **BSA, 2023 – Sec.39** → Opinions of experts.
- **IEA, 1872– Sec.45** → Earlier corresponding provision

##### Explanation

- In the Bharatiya Sakshya Adhiniyam, 2023, the provision relating to opinions of experts is contained in Section 39.
- This section corresponds to Section 45 of the Indian Evidence Act, 1872.
- It states that when the Court has to form an opinion on matters such as:
  - o Science, o Art,
  - o Identity of handwriting,
  - o Finger impressions, or
  - o Other expert domains,
 the opinions of persons specially skilled in such subjects are considered relevant facts.

#### 13. Ans [c]

**Linked Provision-** Admissions: sec.16-21 BSA

1. **Sec. 25 BSA-** Admissions not conclusive proof.
2. **Sec. 53 BSA -** Facts admitted need not be proved.

**Explanation-Sec. 15 BSA** deals with admission. An admission is a statement, oral or documentary or contained in electronic form, which suggests any inference as to any fact in issue or relevant fact, and which is made by any of the persons, and under the circumstances, mentioned in sec.16-21.

#### 14. Ans. (B)

##### Linked Provision –

1. **Section 47** – In criminal cases previous good character relevant.
2. **Section 49** – Previous bad character not relevant, except in reply.

**Explanation:-** According to Section 46 of the Bharatiya Sakshya Adhiniyam (BSA), character evidence is generally irrelevant in civil cases; meaning, a person's general character or reputation cannot be used to prove or disprove their conduct in a civil lawsuit, unless that character is directly related to the specific facts of the case and is otherwise relevant to the dispute.

##### Key points about Section 46:

**General rule:** In civil cases, the character of any party involved is typically not admissible as evidence to draw conclusions about their behavior.

##### Exception for relevant facts:

If a party's character is demonstrably intertwined with the specific facts of the case, it might become relevant.

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15. Ans. [C]

**Explanation :-**

- Under the **Bharatiya Sakshya Adhiniyam, 2023 (BSA)**, confessions are carefully regulated to prevent coercion.
- A confession made **to a Magistrate while the accused is in police custody** is **inadmissible**, unless it complies with safeguards (such as being recorded voluntarily under proper procedure).
- Confessions to friends or doctors (when not under police pressure) can be admissible, subject to relevance and voluntariness.
- Confessions to police officers directly are inadmissible (Section 58 BSA), but the specific scenario in the question highlights **custody before a Magistrate**, which is treated as inadmissible unless safeguards are met.

☞ Therefore, the correct answer is: **(A)**.

16. Ans. [C]

**Linked Provision :- Sec. 46**

**Explanation :-**

- A **Test Identification Parade (TIP)** is conducted during investigation to allow witnesses to identify the accused.
- It is **not substantive evidence** because the actual substantive evidence is the identification of the accused in court during trial.
- TIP serves only as **corroborative evidence** to support the witness's testimony and strengthen the prosecution case.
- Courts have consistently held that TIP is meant to test the memory and credibility of witnesses, not to stand alone as proof.

☞ Therefore, the correct answer is: **(C) Corroborative evidence.**

17. Ans. [d]

**Linked Provisions:-** Where the court exercises its discretion -

1. On the presumption of fact.
2. According to section 53 in admitted facts.
3. In section **Sec. 141 BSA**

**Explanation -Sec. 51 BSA** - Judicially noticeable facts need not be proved. **Sec. 52 BSA** - List of facts which are judicially noticeable is divided into a total of 13 sections. According to **Sec. 53 BSA**, it is not necessary to prove the admitted facts, but the court can ask to be proved according to its discretion.

18. Ans. [d]

**LinkedProvisions :-**

1. **Sec 52 BSA**-List of those who can be judicially noticeable.
2. **Sec 53 BSA**-Admitted facts need not be proved.

**Explanation - Sec 51 BSA**- Facts which can be judicially noticed means such facts to be considered as evidence without existence and such facts need not to be proved.

19. Ans. [c]

**Linked Provision-Sec 58 BSA L/w Sec 56, 57, 60 BSA.**

**Explanation-** Sec 58 BSA provides for the secondary evidence. Sec.58 talks about 5 different things that can be accepted as secondary evidence. They are-

1. Certified copy of documents.
2. Copies made by the original through a mechanical process.
3. Copies made from or compared with the original.
4. Counter parts of the documents as against the parties who did not execute them.
5. Oral accounts of the contents of a document given by some person who has himself seen it.

20. Ans[D]

**Linked Provisions**

- **Section 74**, Indian Evidence Act, 1872 – Defines public documents.
- **Section 75** – Defines private documents.
- **Section 76** – Certified copies of public documents may be produced as evidence.

**Explanation**

- Under the Indian Evidence Act, 1872, Sections 74–76 classify documents into public documents and private documents.
- Public documents include:
  1. Documents forming the acts or records of the acts of sovereign authorities.



2. Official bodies and tribunals.
3. Judicial acts of courts of justice.
4. Executive acts of public officers.

- These documents are considered authentic and can be admitted in evidence without strict proof, since they are maintained by public authorities in official capacity.
- In contrast, private documents (like agreements between individuals, personal diaries, or internal company notes) require strict proof of authenticity before being admitted.

21. Ans. [d]

**Linked Provision-**Sec 74(1) L/w Sec 2, Sec 58 BSA, Sec 60 Sec 74(2)-76 BSA..

**Explanation-** Sec.74 provides the list of documents which are public documents. These are-

- i) Records of Sovereignty
- ii) Records of government bodies or tribunals
- iii) Records of actions of foreign, commonwealth, legislative, judicial officers
- iv) Private documents kept in the state (such as sale deed).

22. Ans. [c]

**Linked Provisions:-**

1. **Sec 81 BSA** - Presumption of electronic gazette.
2. **Sec 86 BSA** - Presumption of electronic record.
3. **Sec 87 BSA** - Presumption of electronic signature certificate
4. **Sec 41(1) BSA** - Relevancy of opinion as to electronic signature.
5. **Sec 62/63 BSA** - Admissibility of electronic records.
6. **Sec 90 BSA** - Presumption of electronic messages.
7. **Sec 93 BSA** - Presumption of electronic records.

**Explanation-** Section 66 BSA- Evidence as to electronic signature, Established by Section 92 of the Information Technology Act, 2000 (Od. No. 21 of 2000).

23. Ans. [d]

**Linked Provision:-**

1. **Sec. 55 BSA**-Oral evidence must be direct.
2. **Sec. 94 BSA**- Evidence of terms of contracts, grants and other dispositions of property reduced to form of documents.
3. **Sec. 95 BSA**- Exclusion of evidence of oral agreement.
4. **Sec. 147 BSA**- Evidence as to matters in writing.

24. Ans. [b]

**Linked Provisions:-**

1. **Section 105 BSA** - Burden of proof.
2. As an exception- **Sec. 106-120 BSA**

**Explanation -Sec. 104 BSA**-Burden of proof - Whoever desires a court to pass judgment on any legal right or liability dependent on facts, must prove that fact.

**Note-** In a criminal case, the prosecution wants the court to believe that the accused has committed the crime then the prosecution itself has to prove that the accused has committed the crime.

25. Ans. [d]

**Linked Provisions:-**

1. **Sec. 23 BSA**      2. **Sec. 19 BSA**      3. **Sec. 181 BNSS**
4. **Article 20(2) Constitution of India.**

**Explanation** - Section 23 proviso of BSA- Evidence as to any fact discovered from information received from a person accused of an offence who is in police custody may be proved as evidence which gives information of the fact.

26. Ans. [A]

**Explanation :-** This question is based on Section 104 of the Bharatiya Sakshya Adhiniyam, 2023, which embodies the general rule of burden of proof (corresponding to Section 101 of the Indian Evidence Act, 1872).

**Principle**

**Section 104 provides:** Whoever desires any Court to give judgment as to any legal right or liability dependent on the existence of facts which he asserts, must prove that those facts exist.



**In this case:**

- A claims that he is entitled to certain land in B's possession.
- His claim depends upon certain facts asserted by him.
- B denies those facts.

Therefore, the burden of proof lies on A to establish the facts on which his claim is based.  
Hence, Option (A) is the correct answer.

**27. Ans. [d]**

**Linked Provisions :-**

1. **Sec. 22 BSA** - Confession made by inducement, threat, promise.
2. **Sec. 23(1) BSA** - Confession made to police officer.
3. **Sec. 23(2) BSA** - Confession in police custody.
4. **Sec. 24 BSA** - Taking into consideration the confession made by the co-accused against the other accused.
5. **Sec. 167 BSA** - Recording of confession by Magistrate.
6. **Sec. 509 BNSS** - Effect of error or omission in confession.
7. **Sec. 316 BSA** - Recording the examination of the accused

**Explanation** - In the given options case of a, b, c, is related to section 27, while the case of option d is related to section 122.

**Section 27** - Information made by the accused to the police officer, in which the facts are known.

**28. Ans. [c]**

**Linked Provisions :- Communications protected in evidence:- Sec 147-159 BSA** - Protected in two ways -

1. **Court will not allow evidence to be given** - Section 128, 129, 132,.
2. **Shall not be compelled by the Court** - Section 127, 130, 131, 133, 134, 135, 136.

**Explanation- Sec 154 & 155 BSA** - Professional communication- given to agent, lawyer, pleader or attorney.

**29. Ans. [c]**

**Linked Provision-**

1. **Sec. 132(3) BSA**- Rules of professional communication shall apply to the clerks or servants of barristers, pleaders, attorneys and vakils.
2. **Sec. 133 BSA**- When will the communication be disclosed.
3. **Sec. 134 BSA**- Confidential communications with legal advisers.

**Explanation- Sec. 132 BSA**- Professional communication- No barrister, pleader, attorney, or vakil shall be permitted, to disclose any communication made to him by his client, or document or advice given in the course and for the purpose of such employment, unless with his client's express consent.

**30. Ans. [b]**

**Linked Provisions:-**

1. Sec. 122, 123 BSA
2. Section 43, Transfer of Property Act.
3. Section 120,121,122, Negotiable Act, 1881

**Explanation -Section 121 BSA** - Estoppel - Where a person by his declaration, act or omission intentionally leads any person to believe that such thing is true and such person acts on such belief, neither he nor his representative shall be allowed, to deny the truth of that thing.

**Note** - This principle is based on the fact that a person cannot speak the opposite.

**31. Ans. [d]**

**Linked Provision:-**

1. **Sec. 125 BSA** - Witness unable to communicate verbally.
2. **Sec. 126 BSA** - Parties to civil suit, and their wives or husbands. Husband or wife of person under criminal trial.
3. **Sec. 138 BSA** - Accomplice.

**Explanation:-Section 124 BSA** : All persons shall be competent to testify unless the Court considers that they are prevented from understanding the questions put to them, or from giving rational answers to those questions, by tender years, extreme old age, disease, whether of body or mind, or any other cause of the same kind.



32. Ans. [b]

**Linked Provisions:-**

1. **Sec. 125 BSA** - Evidence of person unable to speak.
2. **Sec. 126 BSA** - Husband & wife competent witnesses.
3. **Sec. 138 BSA** - Co-accused competent witness.
4. **Sec. 16, 17, 18 BSA** - Person competent to give admissions.
5. **Sec. 353 BNSS** - The accused person shall be a competent witness to disprove the evidence against himself and against any other person in the same proceeding.
6. **Sec. 12** - Competency of lunatic to contract - The Contract Act, 1872.

**Explanation** - Section 124 BSA - An insane person is competent to give evidence when he can understand and give reasonable answers to questions put to him.

According to **section 124** - every person is competent to give evidence which is not prevented from understanding and giving reasonable answers to the questions put to him.

33. Ans. [b]

**Linked Provisions:**

- **Section 127:** Judges and Magistrates.
- **Section 128:** Communications during marriage.
- **Section 130:** Official communications.
- **Section 132:** Professional communications.
- **Section 134:** Confidential communication with legal advisers.

**Explanation: Sec. 134:** Confidential communication with legal advisers.

This section protects the privacy of a client when they speak to their legal advisor (advocates/lawyers).

**The Rule:** No person can be compelled to disclose to the Court any confidential communication that has taken place between them and their legal advisor.

**The Exception:** This protection is waived only if the person offers themselves as a witness and the Court deems it necessary to explain any evidence they have given (but not otherwise).

**Purpose:** To ensure that people can seek legal help without the fear that their private consultations will be used against them in court.

Why the other options are matched correctly

Option (a) - Section 128: Communications during marriage.

This is a correct match. Section 128 states that no married person shall be compelled to disclose any communication made to them by their spouse during the marriage. This protects marital privacy.

Option (c) - Section 132: Professional communications.

This is a correct match. It prohibits legal practitioners (advocates) from disclosing communications made to them by their clients in the course of their employment. While Section 134 protects the client, Section 132 imposes the duty of secrecy on the lawyer.

Option (d) - Section 130: Official communications.

This is a correct match. It protects public officers from being compelled to disclose communications made to them in "official confidence" if they believe that the public interest would suffer from such a disclosure.

34. Ans. [b]

**Linked Provisions:-**

1. **Sec. 146 BSA** - Relevant questions.
2. **Sec. 146 BSA** - Questions relevant in cross-examination.
3. **Sec. 157 BSA** - Questioning of own witness which can be done in cross-examination.

**Explanation - Sec. 146 BSA** - In the chief examination and cross-examination, if the opposite party objects, they will not be asked without the permission of the court.

The court will give permission in the following circumstances:-

1. Which are introductory,
2. undisputed,
3. has already been sufficiently proved.

35. Ans. [a]

**Linked Provision:-**

1. **Sec. 137 BSA** - Witness not excused from answering on ground that answer will criminate.
2. **Sec. 180 BNSS** - Examination of witnesses by police.
3. **Article 20, COI** - Protection in respect of conviction for offences.



36. Ans. [a]

**Linked Provision-Sec 168 BSA L/w Sec 3, 55 2<sup>nd</sup> proviso BSA.**

**Explanation-Sec 168 BSA** deals with judge's power to put questions or order production. It empowers judge to ask any question to any witness, or parties about any fact relevant or irrelevant in order to discover or to obtain proper proof of relevant facts, and may order the production of any document or thing.

**Case Law-**In *State of Rajasthan vs. Ani @ Hanif & Ors.* (1997), it was held that where the witness became confused in the course of his examination, the court could put questions to him to elicit the truth.

37. Ans. [A]

**Linked Provision:** - S. 148 BSA, S.147: Expl. BSA

**Explanation: Statement I is Correct:** This statement is explicitly provided under Section 148 of the BSA (corresponding to Section 145 of the old Indian Evidence Act, 1872). It allows a witness to be cross-examined regarding their previous written statements without showing the document to them beforehand. But for contradicting him, must required to show the relevant part of document.

**Statement II is Correct:** This matches the exact language of the Explanation to Section 147 of the BSA (corresponding to Section 144 of the old Indian Evidence Act, 1872). It allows oral evidence of third-party statements regarding a document's content if the statement itself is a relevant fact (such as establishing a motive)

38. Ans. [a]

**Linked Provision-** Sec. 169 BSA.

**Explanation-** Sec.169 deals with no new trial for improper admission or rejection of evidence. It states that the improper admission or rejection of evidence in itself shall not be ground for a new trial or reversal of any decision in any case, if there was sufficient evidence to justify the decision, or that, if the rejected evidence had been received, it ought not to have varied the decision.

39. Ans. [C]

**Linked Provision-**

1. **Part I-** Cha. I (Sec.1-2).
2. **Part II-** Cha. II (Sec.3-50).
3. **Part III-** Cha. III-VI (Sec.51-103)
4. **Part IV** – Cha. VII-XII (Sec.104-170)
5. **BNS – Cha. XX (Sec. 1-358)**
6. **BNSS – Cha. XXXIX (Sec. 1-531)**

**Explanation-** Bhartiya Sakshya Adhiniyam, 2023 is divided into 4 parts, 12 chapters and 170 sections.

40. Ans. [b]

**Linked Provisions:** -

1. **Sec. 104 (.101 IEA)** – Burden of proof.
2. **Sec. 105 (102 IEA)** – On whom burden of proof lies.

**Explanation:** - *Robins v. National Trust Company* case is directly related to the burden of proof in the context of probate disputes. The case established key principles regarding the burden of proof by asserting that the onus of proving a will rests on those who assert it, especially when testamentary capacity is questioned. It also underscored the appellate courts' role in respecting lower court findings and the legal burden as a constant throughout a trial.

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