

Bharatiya Sakshya Adhiniyam, 2023

Prelims MCQs,
Mains & Interview Questions



Tansukh Paliwal
LL.M, CA
Ex. Govt Officer (Raj.)
Founder, Linking Laws



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Preface

Hello & नमस्कार,

Since 2011, when I entered in Law field, I have felt that current system of studying law as a Law learner is quite traditional (like 1980's competition times). I strongly believed one thing that if you want to fight in present tough competition war like judiciary exams or any other law exam, you must be equipped with smart techniques to learn with tech support. So, in student life as LL.B. student, I used to start linking with one provision other similar provisions at same time, so that I can recall multiple sections/concepts in one MCQs.

Along with that I do believe in one statement, "वर्तमान को समझने के लिए, अतीत को देखें और फिर भविष्य के बारे में सोचना शुरू करें". This statement is directly linked with every student life. So, I found previous papers helpful to understand previous exam level, source of question asked in those exam etc. But frankly saying, I was not satisfied with traditional way of just solving previous exam papers MCQs, instead I decided that to get better output in preparation, we need to analysis the previous paper subject wise rather year wise.

All these ideas, efforts, and experiences have come together in one powerful initiative—"Paperathon." It's not just a study tool, it's a movement towards smarter, sharper, and Subject wise strategic judiciary preparation. It is featured with the Linking Technique—a modern, game-changing approach that connects concepts, laws, and real-world application like never before.

In **Prelims**, you'll get linked provisions with clear explanations, helping you master the 'why' behind every question. In **Mains**, you'll learn how to write answers that don't just inform but impress—through linking-based structure and analysis. And for the **Interview**, Paperathon brings you exclusive, real-time Questions & Answers straight from those who've cracked it—now proudly serving as Civil Judges across various states.

This is more than preparation—it's transformation. And I truly believe Paperathon will save you time, boost your confidence, and help you walk into every stage of the exam with clarity, strategy, and a winning edge.

"Don't just prepare. Link your preparation with purpose, precision, and power."

With belief in your journey,

- Tansukh Paliwal

Founder of Linking Laws

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Sample Preview



BHARATIYA SAKSHYA ADHINIYAM, 2023		
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BHARATIYA SAKSHYA ADHINIYAM, 2023 PRELIMS PAPERATHON

Ch. - I : Preliminary

PART I RELEVANCY OF FACTS CHA. I. – Preliminary

1. In the Indian Evidence Act, the expression "Court" means-
- All Judges
 - All Magistrates
 - All persons except Arbitrators, legally authorized to take evidence
 - All the above

Ans. [d]

Linked Provisions:-

- Sec. - 6 Criminal Court Division (CrPC 1973). (Sec. 6 BNSS)
- Sec. - 9, 10, 11, 12, 13, 16, 17, 18, 20, 21 (CrPC 1973).
- Mediation and Conciliation Act.

Explanation - Section 3 - Court - includes all Judges, Magistrates and all persons legally authorized to take evidence except Arbitrators.

2. The Indian Evidence Act, 1872 applies to:
- all judicial proceedings in or before any Court.
 - affidavits presented to any Court or Officer.
 - proceedings before an Arbitrator.
 - all the above.

Ans. [a]

Linked Provisions:-

- Section 23 (Sec. 21 BSA)** - Not applicable to criminal proceedings.
- Section 105 (Sec. 108 BSA)** - Not applicable to civil proceedings.

Explanation - Section 1 - Evidence Act applies - to all judicial proceedings.

Except - on Arbitrator, Affidavit and Army, Navy, Air Force Act.

4. Which of the following statement with reference to section 3 of Indian Evidence Act, 1872, is not correct?
- A map or plan is a document.
 - An inscription on a metal plate is a document.
 - A caricature is not a document.
 - That a man said certain words, is a fact./

Ans. (3)

Linked Provisions:-

- Sec.22 (Sec. 20 BSA)**-admissions in respect of documents.
- Sec. 61 (Sec. 56 BSA)** - Contents of documents to be proved by primary and secondary evidence.
- Sec.62 (Sec. 57 BSA)** - Primary evidence.
- Sec. 63 (Sec. 58 BSA)** - Secondary evidence.
- Sec. 65 (Sec. 60 BSA)** - Circumstances when evidence of secondary evidence may be given.
- Sec.74 (Sec. 74 BSA)** - Public documents.
- Sec. 76 (Sec. 75 BSA)** - Certified copy of public documents.

8. **Sec.77 (Sec. 76 BSA)** - Admissibility of certified copy in evidence.

9. **Sec.29 [Sec. 2(8) BNS]** - Documents, IPC 1860

Explanation - **Sec.3** - The caricature is a document.

5. When one fact is declared by the Indian Evidence Act, 1872 to be the conclusive proof of another, the court -----

- shall, on disproving one fact, regard the other as proved, and shall not allow evidence to be given for the purpose of disproving it.
- shall, on proof of one fact, regard the other as proved, and shall not allow evidence to be given for the purpose of disproving it.
- shall, on proof of one fact, regard the other as proved, and shall allow evidence to be given for the purpose of disproving it.
- shall, on proof of one fact, regard the other as disproved, and shall not allow evidence to be given for the purpose of disproving it.

Ans. [2]

Linked Provisions:-

- Section 41 (Sec. 35 BSA)** - Relevancy of certain judgment in probate, etc., jurisdiction.
- Section 112 (Sec. 116 BSA)** - Birth during marriage, conclusive proof of legitimacy.
- Section 113** - Proof of cession of territory.

Note:- Section 113 of Indian Evidence Act, 1872 has been deleted by BSA, 2023.

Explanation:- Section 4 of Indian Evidence Act, 1872 [Sec. 2(b/h/l) BSA] defines May Presume, Shall Presume and Conclusive Proof.

Conclusive Proof:-

- When one fact is declared by this Act to be conclusive proof of another, the Court shall, on proof of the one fact, regard the other as proved, and shall not allow evidence to be given for the purpose of disproving it.
- It is well settled that where an Act enjoins any evidence to be treated as conclusive proof of certain factual situation or legal hypothesis, no other evidence may be adduced to contradict or vary the aforesaid conclusiveness.

6. Electronic record presented for inspection of the court under Indian Evidence Act, 1872 is

- Electronic evidence
- Documentary evidence
- Oral evidence
- Modern evidence

Ans. [b]

Linked Provisions -

- Section 3 (Sec 2 BSA)**- Definition of evidence.
- Section 61(Sec 56 BSA)** - Documentary evidence - primary evidence and secondary evidence.
- Section 62 (Sec 57 BSA)**- Primary evidence.
- Section 63 (Sec 58 BSA)**- Secondary evidence.

BHARATIYA SAKSHYA ADHINIYAM, 2023 PRELIMS PAPERATHON

Ch. - I : Preliminary

5. **Section 60 (Sec 55 BSA)**–Oral evidence must be direct at every stage.

6. **Section 91 (Sec 94 BSA)**– Documentary evidence proved by document only.

Explanation – Section 3 – Evidence – Documentary evidence – Documents and electronic evidence produced for the inspection of the court.

Oral evidence – includes both statements made in relation to the facts under investigation.

7. **As per preamble of the Indian Evidence Act, 1872, the purpose of this Act is:**

- (a) to provide, define and amend the law of evidence
- (b) to provide, consolidate the law of evidence
- (c) to define and amend the law of evidence
- (d) to consolidate, define and amend the law of evidence

Ans. [d]

Linked Provisions :-

1. Act No. 1 of 1872.

2. **Enforced** – September 1, 1872.

Explanation – It is expedient to consolidate, define and amend the law of evidence.

8. **Facts alleged by one party and denied by the other in a case, are called as**

- (a) Positive facts
- (b) Negative facts
- (c) Relevant facts
- (d) Facts in issue

Ans. [d]

Linked Provision- Sec.3 (Sec 2 BSA) L/w 5 (Sec 3 BSA) IEA, O.14 CPC.

Explanation- Sec.3 (Sec 2 BSA) define the term "Fact in Issue". These are the facts, which are alleged by one party and denied by the other in the pleading in a civil case or alleged by the prosecution and denied by the accused in a criminal case. It is called the Principal fact or "factum probandum".

9. **Irrefutable presumptions of law are indicated by the Indian Evidence Act, 1872 by the expression of**

- (a) may presume
- (b) shall presume
- (c) conclusive proof
- (d) All of these

Ans. [c]

Linked Provision- Sec.4 L/w 41 (Sec 35 BSA), 112 (Sec 116 BSA), 113 (Delete in BSA) IEA.

Explanation- Acc. to Sec.4 IEA, when one fact is declared by the Evidence Act 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. Sec.41, 112 and 113 IEA lays down the provisions relating to "Conclusive Proof or irrebuttable of law".

10. **Which of the following means 'a fact to be proved'?**

- (a) Quid Probandum
- (b) Modus Probandi
- (c) Both (a) and (b)
- (d) None of the above

Ans. [a]

Linked Provision- Sec.3 (Sec 2 BSA) IEA.

Explanation- Quid Probandum means things to be proved.

11. **In which of the following instances does evidence means "a fact which serves as the foundation for an inference" ?**

- (a) Direct evidence
- (b) Circumstantial evidence
- (c) Both (a) and (b)
- (d) None of the above

Ans. [b]

Linked Provision- Sec. 3 (Sec 3 BNSS) IEA.

Explanation- Circumstantial evidence refers to the indirect method of proving the guilt of an accused by drawing inferences from certain facts which are closely related to the facts in issue. However, the standard of proof required for circumstantial evidence is quite high and courts are usually cautious while basing convictions upon circumstantial evidence.

12. **Electronic records are :**

- (a) Oral evidence
- (b) No evidence
- (c) Documentary evidence
- (d) None of these

Ans. [c]

Linked Provisions :-

1. **Section 61 (Sec 56 BSA)** - Documentary evidence to be proved by primary or secondary evidence.

2. **Section 62 (Sec 57 BSA)** - Primary evidence.

3. **Section 63 (Sec 58 BSA)** - Secondary evidence.

4. **Section 65 (Sec 60 BSA)** - Circumstances when secondary evidence may be given.

5. **Section 22 (Sec 20 BSA)** - Admission of contents of documentary evidence.

6. **Section 91 (Sec 94 BSA)** - Documentary evidence proved by document only.

Explanation - Section 3 (Sec 2 BSA) - Evidence - Documentary evidence and oral evidence.

Documentary Evidence - Documents produced for the inspection of the Court including electronic records.

13. **How many Sections and Chapters are there in the Indian Evidence Act, 1872?**

- (a) 160 Sections & 10 Chapters
- (b) 180 Sections & 14 Chapters
- (c) 172 Sections & 16 Chapters
- (d) 167 Sections & 11 Chapters

Ans. [d]

Ans. [d]

Linked Provision:-

1. **Sec.60 (Sec. 55 BSA)**-Oral evidence must be direct.
2. **Sec. 91 (Sec. 94 BSA)** - Evidence of terms of contracts, grants and other dispositions of property reduced to form of documents.
3. **Sec. 92 (Sec. 95 BSA)** - Exclusion of evidence of oral agreement.
4. **Sec. 144 (Sec. 147 BSA)** - Evidence as to matters in writing.

219. Which one of the following Sections under Indian Evidence Act, 1872 has been inserted by Section 92 and Schedule II of the Information Technology Act, 2000?)

- (a) Section 65
- (b) Section 67
- (c) Section 67A
- (d) Section 65B

Ans. [d]

Linked Provision:- Sec 85B (Sec. 86 BSA) - Presumption as to electronic records and electronic signatures.

Explanation:- Under Section 65B(1), any information contained in an electronic record, which has been stored, recorded or copied as a computer output, shall also be deemed as a 'document' – and shall be admissible as evidence without further proof or production of the originals, if the conditions mentioned are satisfied.

220. Section 91 (Sec 94 BSA) of the Indian Evidence Act makes provisions for:

- (A) Contracts
- (B) Grants
- (C) Contracts and grants
- (D) Contracts, grants and other disposition of property

Ans. [D]

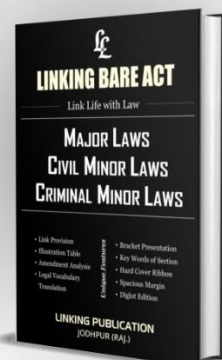
Linked Provision- Sec.91 (Sec 94 BSA) L/w sec.60(Sec 55 BSA), 92(Sec 95 BSA) , 144(Sec 147 BSA) IEA..

Explanation- Sec.91(Sec 94 BSA) deals with evidence of terms of contracts, grants and other dispositions of property reduced to form of document. It provides the best evidence rule. It states that whenever there is a question regarding terms of contracts, grants and dispositions, which have been in form of document, then, such terms of contracts, grants and other dispositions of property shall be proved by producing the original copy of the documents or secondary evidence of its contents if admissible.

Linking Bare Act[®]

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- | | |
|----------------------------|--------------|
| 1. Linking Criminal Manual | 5. BNSS 2023 |
| 2. Constitution of India | 6. BNS 2023 |
| 3. Criminal Minor Laws | 7. BSA 2023 |
| 4. Civil Minor Laws | 8. CPC 1908 |



Bharatiya Sakshya Adhiniyam, 2023 (IEA, 1872)

Mains Questions – Solved

Sample Preview

BSA MAINS PAPERATHON
Bharatiya Sakshya Adhiniyam, 2023 (IEA, 1872)

Chapter - I
Definitions

1. Distinguish the following:
Presumptions of fact and presumptions of law

[MPSC CJ 2022]

Ans.- Presumption of Fact:

1. **Definition:** Based on natural inferences drawn from the circumstances of the case.
2. **Nature:** Discretionary for the court to accept or reject.
3. **Examples:** Presumption of guilt from possession of stolen property, presumption of death after seven years of missing (S 108) (111 BSA).
4. **Rebuttable:** Always rebuttable.
5. **Source:** Derived from human experience and common sense.
6. **Flexibility:** May vary based on the facts of the case and judicial reasoning.

Presumption of Law:

1. **Definition:** Established by legal provisions and statutes.
2. **Nature:** Mandatory unless disproved by evidence.
3. **Examples:** Presumption of legitimacy of a child born during a valid marriage (S 112) (116 BSA), presumption of due execution of a certified copy (S 79) (78 BSA).
4. **Rebuttable or Irrebuttable:** Can be rebuttable (e.g., S 114) (119 BSA) or irrebuttable (conclusive proof, e.g., S 41) (35 BSA).
5. **Source:** Codified in statutes and legal principles.
6. **Flexibility:** Fixed; follows statutory provisions.

2. Write notes on Fact in issue.

[BJS 2018]

Or
What is a fact in issue? Illustrate your answer.

[RJS 1984, UP PCS(J) 2000, 2012, M.P. CJ 2003]

Ans.- Fact in Issue:

1. **Definition:**
As per S 3 of the Indian Evidence Act, 1872 (2 BSA), a "fact in issue" refers to facts that, under the substantive law, are necessary to establish or refute any legal right or liability claimed or denied in a case.
2. **Characteristics:**
Material Fact: It is a fact directly related to the matter in dispute.
Determination: Its proof or disproof directly affects the outcome of the case.
Connection to Rights or Liabilities: It involves legal rights or liabilities asserted by one party and denied by the other.
3. **Examples:**
In a theft case, whether the accused took the property dishonestly is a fact in issue.
In a contract dispute, whether the contract was breached is a fact in issue.
4. **Difference from Relevant Facts:**
A fact in issue is the central point of dispute.
Relevant facts are those that help in proving or disproving a fact in issue.
5. **Role in Trials:**
Guides the scope of evidence and arguments presented by parties.
Directs the framing of issues by the court to resolve disputes effectively.

3. Explain and illustrate 'Fact in issue' and 'Relevant Fact'.

[HJS 2001, 2006, 2015]

Or

Explain and illustrate 'Fact in issue' and 'Relevant Fact'.

[PJS 2003]

3. Section 11 (9 BSA)- Relevant Facts:

This section allows facts that are necessary to explain or introduce relevant facts to be admitted. The shouting could be considered as a part of the incident that introduces or explains the manner of the rioting and A's role in it. It provides context and may establish the nature of the mob's actions.

Conclusion:

The fact that the mob was shouting is relevant to the charge of rioting, as it may help establish the conduct of the mob and the active role of A in leading it. The shouting reflects the nature and intensity of the disturbance, which is crucial in proving the charge of rioting. Therefore, this fact is admissible and relevant under Sections 8, 7, and 11 of the Indian Evidence Act.

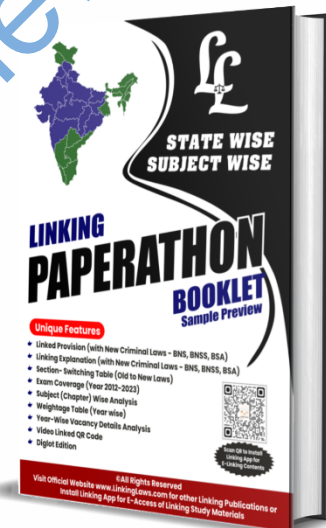
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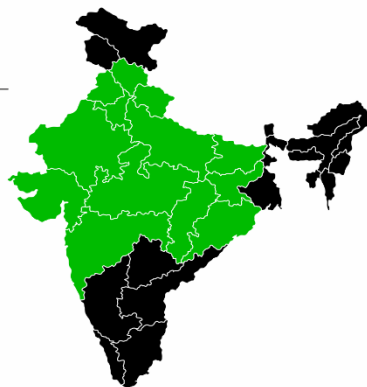
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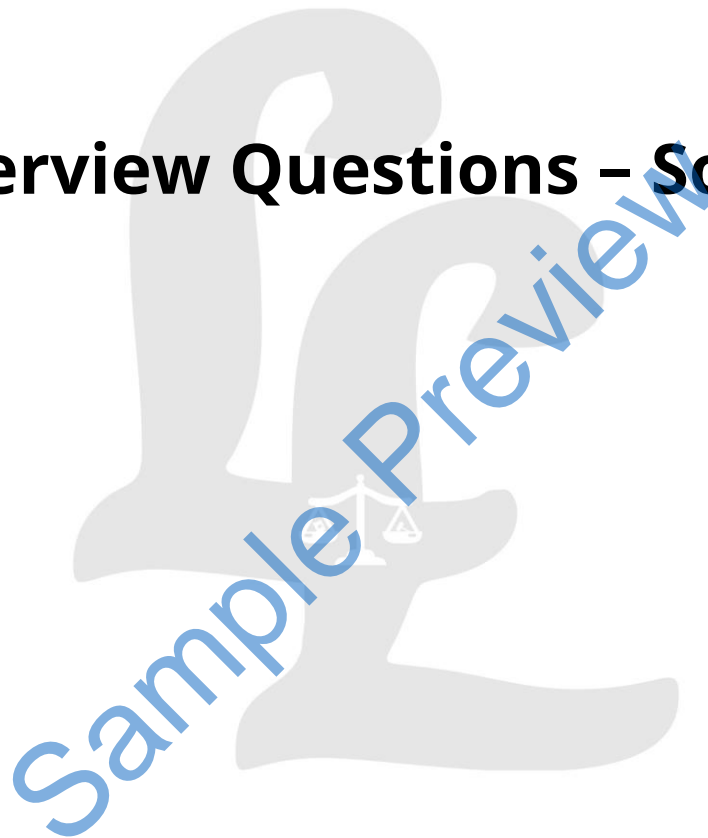


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Bharatiya Sakshya Adhiniyam, 2023 (IEA, 1872)

Interview Questions – Solved



BSA INTERVIEW QUESTIONS

BHARATIYA SAKSHYA ADHINIYAM, 2023 (IEA, 1872)

1. What are the three main principles of Evidence Act?

Ans. (1) The evidence should always be confined to the disputed fact.
(2) In each case, the best evidence must be presented.
(3) Corroborated evidence is inadmissible, hence it should always be excluded.

2. Is the evidence Act Lex-fori or Lex-loci?

Ans. Sir, Lex fori.

3. What is meant by *lex fori*?

Ans. The law of the place (country) of the action.

4. What is the difference between Relevancy and Admissibility?

Ans. Relevant facts are not necessarily admissible but admissible facts are relevant. Relevant means that which is logical probative. Admissibility on logic but on law and strict rules. The facts which are relevant are not necessarily admissible whereas the facts which are admissible are necessarily relevant.

5. Explain the difference by giving an example.

Ans. Just as the communication between husband and wife is inadmissible due to coming under section 122 (128 BSA), despite the fact that the information given by the client in course of employment to the lawyer is not relevant to the disputed cases (Section 126) (132 BSA)

6. What is the Inquest report (Panchnama)?

Ans. During the investigation the police call witnesses (two or more persons) to see the deceased persons or the injured persons at the scene, they are called Panch. Panchnama is the record of whatever these witnesses had seen. The statement in the death inquest report itself is not evidence. (Sec.174 of Cr PC)

7. What type of evidence is Tape - recording?

Ans. Sir, documentary evidence.

8. What is conclusive proof?

Ans. Where a fact has been declared by this Act to be conclusive proof of any other fact, the court shall, when proved by that fact, regard the other as proved and shall not permit evidence to be given for the purpose of denying it. (Section 4)

9. What is Res Geste?

Ans. The principle underlying Section 6 (4 BSA), the following is sometimes termed as *res gestae*. This phrase meant simply a transaction thing done. The *res gestae* may be defined as those circumstances which are the automatic and undersigned incident of the particular litigated act and which are admissible when illustrative of such act. Facts related to the same transaction are *res gestae*. (Section 6)

10. Who conducts Identification Parade?

Ans. Generally, Magistrate. Any person, police or magistrate (in State of U.P.).

11. What is the Identity Memo?

Ans. Identity memo is nothing other than the record of the statement that the witness had made in front of the person who identified it.

12. What is the evidentiary value of identification parade?

Ans. Identified evidence is not substantive evidence, but it can be used to corroborate or contradict a statement given by a witness in a court. (Section 9) (7 BSA)

13. What does alibi mean?

Ans. Accused person is away from the place of incident. (Section 11) (9 BSA)

14. What is an admission?

Ans. An admission is an oral or documentary or in electronic form statement that indicates an inference as to any fact in issue or relevant fact. (Sec. 17) (15 BSA)

15. What is the evidentiary value of admission?

Ans. Sir, Admission is a substantive evidence though they are not conclusive proof of matter Admission may operate as estoppels.

16. Is an admission is a conclusive proof of matter admitted?

Ans. No, sir. Admission may operates as estoppel.

17. What is a confession?

Ans. Sir, Admission in regards to offence by accused in called confession. It is not defined in the Act.

18. What is the evidentiary value of confession?

Ans. If the confession is true and voluntarily, then it is substantive evidence and on the basis of this, the accused can be convicted. (Supreme Court)

19. What is the difference between admission and confession?

Ans. (i) Admission is not conclusive evidence whereas confession is conclusive evidence. On the basis of this, the accused can be convicted.
(ii) Admission are generally made in civil cases, while confessions are made in criminal matters.

20. What is the difference between judicial confession and extra judicial confession?

Ans. Judicial confessions are those which are made in the course of legal proceedings before a magistrate or court. The accused can be convicted on the basis of judicial confession. Extra-judicial confession is one which is made by the accused anywhere other than the court. It is a very weak type of evidence, its admissibility depends on the credibility of the evidence of the person by whom such confession has been made.

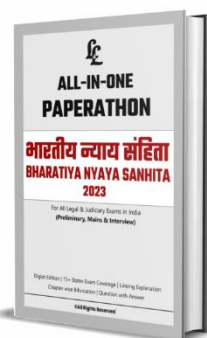
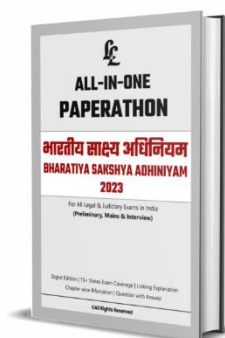
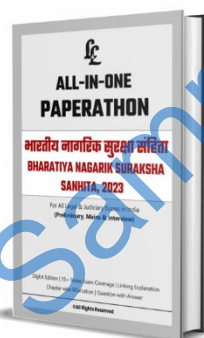
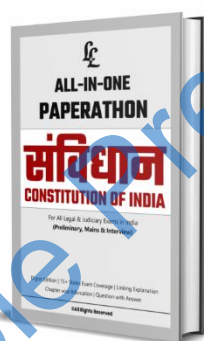
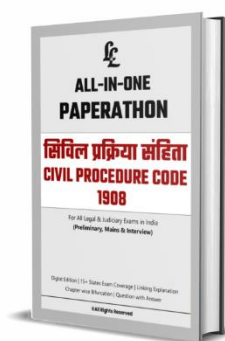


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