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63/9 (SEM-4) LLB/LLB401

2025

LAW

Paper : LLB401

(The Bharatiya Sakshya Adhiniyam)

Full Marks : 80

Pass Marks : 36

Time : Three hours

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

1. Choose the correct answer: $1 \times 10 = 10$

(i) The Bharatiya Sakshya Adhiniyam, 2023 came into force on _____.

(a) 25th December, 2023

(b) 1st July, 2024

(c) 23rd February, 2024

(d) 24th February, 2024

- (ii) The term judicial proceeding _____ defined under the Bharatiya Sakshya Adhiniyam.
- (a) Is not
 - (b) Is defined under the Bharatiya Nagarik Suraksha Sanhita
 - (c) Both (a) and (b) are correct
 - (d) Both (a) and (b) are not correct
- (iii) _____ is to identify the suspect from other persons without any aid or any other source.
- (a) Narco analysis test
 - (b) DNA test
 - (c) Polygraph test
 - (d) Test identification parade
- (iv) A _____ is a statement made by an accused person and it is admitted in a criminal proceeding against the accused to prove his guilt
- (a) Admission
 - (b) Confession
 - (c) Communication
 - (d) Declaration

(v) _____ is based on the need of giving finality to judicial decisions.

(a) *Autre fois acquit*

(b) *Res gestea*

(c) *Res ipsa loquitor*

(d) *Res judicata*

(vi) _____ is used to describe the degree to which the proof must be established.

(a) Burden of proof

(b) Reverse burden

(c) Standard of proof

(d) Presumption of innocence

(vii) Accomplice is defined under section _____ of the Bharatiya Sakshya Adhiniyam.

(a) 135

(b) 136

(c) 137

(d) 138

(viii) The definition of cruelty under section 85 includes any wilful conduct which may drive the woman to _____.

(a) Murder the person committing cruelty

(b) Cause danger to person committing cruelty

(c) Both (a) and (b) are correct

(d) Both (a) and (b) are incorrect

(ix) Leading questions are the one which indicates to the witness the _____.

(a) Real or supposed fact

(b) Presumption of fact

(c) Assumption of fact

(d) Fact in issue

(x) A _____ is the document forming acts or records of the sovereign authority, official bodies and tribunal and of public offices.

(a) Private document

(b) Public document

(c) Electronic record

(d) Digital record

2. Write short notes on : 2×5=10

- (i) Conclusive proof
- (ii) Motive
- (iii) Hearsay evidence
- (iv) Presumption as to dowry death
- (v) Examination of witness

3. What are the salient features of the Bharatiya Sakshya Adhiniyam, 2023 ? Differentiate between 'fact' and 'fact in issue' with the help of illustration. 6+6=12

Or

Write a brief note on : 4×3=12

- (a) Evidence
- (b) Proved and not proved
- (c) Extra judicial confession

4. Explain the principle of *res gestae*. What are the facts necessary to explain or to introduce relevant facts ? Discuss with the help of illustration. 6+6=12

Or

Explain the provision relating to relevancy and admissibility of dying declaration under the Bharatiya Sakshya Adhiniyam. 12

5. Explain secondary evidence. Discuss the circumstances in which it is admissible. 12

Or

Oral evidence is excluded by documentary evidence. Explain this rule and state the exceptions if any to this rule.

6. What do you understand by burden of proof? On whom it lies and how does it shift? 6+6=12

Or

What is estoppel? State different kinds of estoppels. 4+8=12

7. Discuss the provisions in respect to the 'communications during marriage', 'official communications' and 'professional communication'. 12

Or

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

- (i) Examination in chief
 - (ii) Cross examination
 - (iii) Re-examination
 - (iv) Hostile and child witness
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2026

LAW

Paper : LLB401

(The Bharatiya Sakshya Adhiniyam)

Full Marks: 80

Pass Marks: 36

Time: 3 Hours

The figures in the margin indicate full marks for the questions

1. Choose the correct answer: **1x10=10**
- (i) What is a key feature of the Bharatiya Sakshya Adhiniyam related to electronic evidence?
- (a) It excludes electronic records
 - (b) It mandates notarization of digital documents
 - (c) It recognizes electronic evidence in legal proceedings
 - (d) It limits the use of electronic records
- (ii) Under the Bharatiya Sakshya Adhiniyam, what is the value of expert opinion in a trial?
- (a) Advisory in nature, but holds persuasive value
 - (b) Used only in trials
 - (c) Treated as conclusive proof
 - (d) ignored by the court
- (iii) What qualifies as "cruelty" under Section 117 of B.S.A (The Bharatiya Sakshya Adhiniyam)?
- (a) Emotional neglect only
 - (b) Actions that cause physical or mental harm
 - (c) Financial disputes between spouses
 - (d) None of the above

- (iv) In a legal dispute regarding someone's status as alive or dead, which party holds the burden of proof if the individual was alive within thirty years?
- (a) The person asserting that the individual is alive
 - (b) The person asserting that the individual is dead.
 - (c) The court, based on circumstantial evidence.
 - (d) Any witness who has knowledge of the individual.
- (v) Which of the following statements best reflects the intent behind Section 48 of the Bharatiya Sakshya Adhiniyam?
- (a) To prevent character assassination of the accused
 - (b) To ensure trials remain focused on the facts of the offence, not the victim's past
 - (c) To allow previous sexual conduct as supporting evidence of consent
 - (d) To shift the burden of proof onto the victim
- (vi) The Bharatiya Sakshya Adhiniyam emphasizes technological assurance mainly for:
- (a) Physical case exhibits.
 - (b) handwritten personal notes
 - (c) Digital and electronic materials
 - (d) Oral testimonies
- (vii) Under Section 150, what happens if a question relates to a matter relevant to the suit or proceeding?
- (a) The question is considered irrelevant and disregarded.
 - (b) The question is automatically deemed inadmissible
 - (c) The provisions of Section 137 apply to the question.
 - (d) The question must be rephrased to be admissible

- (viii) Under Section 153, a Court might report the circumstances of a case to the High Court or another authority regarding a question asked by an advocate?
- (a) If the question was asked with reasonable grounds but is found to be prejudicial.
 - (b) If the court believes the question was asked without reasonable grounds.
 - (c) If the question was asked in a manner deemed too aggressive by the advocate
 - (d) If the question was irrelevant to the case
- (ix) The Bharatiya Sakshya Adhiniyam aims to modernize evidence law in the context of developments in :
- (a) Forensic and digital technologies
 - (b) Agricultural systems
 - (c) Ancient treaties
 - (d) Folk narratives
- (x) Which of the following statements is true, according to Section 94 of the BSA, 2023, regarding oral evidence?
- (a) Oral evidence is admissible to prove the terms of a written contract
 - (b) Oral evidence is admissible to contradict the contents of a written contract
 - (c) Oral evidence is admissible to prove facts mentioned in the document, even if the fact is unrelated to the main contract or disposition
 - (d) Oral evidence is never admissible if there is a written document

2. Write short notes on the following :

2x5=10

- (a) Oral evidence
- (b) Examination of witness
- (c) Child witness
- (d) Facts and facts in issue
- (e) Hearsay evidence

3. What is meant by relevancy of facts? When are opinions of third persons relevant? Discuss in brief with a help of case laws.

6+6=12

Or

"Relevancy and admissibility are not co-extensive terms" - illustrate your answer suitably with the help of decided case laws.

12

4. Discuss the various kinds of evidence with the help of suitable examples.

12

Or

"Law of Bharatiya Sakshya Adhiniyam being procedural law is retrospective in operation." Examine the above statement and analyse the nature and purpose of the BSA, 2023.

12

5. What is Dying Declaration? What is its evidentiary value? Examine.

12

Or

Discuss provisions relating to Estoppel.

12

6. Explain the provisions relating to Accomplice.

12

Or

What is Confession? Distinguish between Admission and Confession.

12

7. What is Privilege Communication? Explain rule and exceptions relating to communication between husband and wife.

12

Or

"Admission is generally proved against the maker." Discuss the rule along with exceptions.

12