

PROVISIONAL ANSWER KEY

Paper: 298 - Part-III Paper-II Bharatiya Sakshya
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Question1:-BSA provides that the Act applies to all judicial proceedings except:

- A:-Proceedings before Courts-martial
- B:-Proceedings before Arbitrators
- C:-Proceedings before Magistrates
- D:-Proceedings before Civil Courts

Correct Answer:- Option-B

Question2:-Under Section 2, a "Court" includes all persons legally authorised to take evidence except:

- A:-Judges
- B:-Magistrates
- C:-Arbitrators
- D:-Tribunal members

Correct Answer:- Option-C

Question3:-When one fact is declared to be "Conclusive proof" of another, the Court shall:

- A:-Treat it as rebuttable
- B:-Allow contrary evidence
- C:-Regard the other fact as proved without allowing disproof
- D:-Decide based on discretion

Correct Answer:- Option-C

Question4:-A fact is said to be "disproved" when the Court:

- A:-Has no evidence
- B:-Doubts its existence
- C:-Rejects documentary proof
- D:-Believes it does not exist or finds its non-existence highly probable

Correct Answer:- Option-D

Question5:-Which of the following qualifies as a "document" under the Act?

- A:-Oral testimony
- B:-Mental impression
- C:-Electronic records including emails and server logs
- D:-Spoken words only

Correct Answer:- Option-C

Question6:-An admission is:

- A:-Conclusive proof
- B:-Always oral
- C:-A statement suggesting inference as to fact in issue
- D:-Made only by accused persons

Correct Answer:- Option-C

Question7:-"Facts in issue" are those facts from which the existence or non-existence of a right or liability:

- A:-May be inferred indirectly
- B:-Necessarily follows
- C:-Is assumed
- D:-Is presumed

Correct Answer:- Option-B

Question8:-Under Section 2, "proved" means that the Court:

- A:-Is satisfied beyond reasonable doubt
- B:-Believes the fact exists or finds it highly probable
- C:-Accepts documentary proof only
- D:-Has no contrary evidence

Correct Answer:- Option-B

Question9:-When the Act states that the Court "may presume" a fact, the Court:

A:-Must presume it

B:-Must reject it

C:-Has discretion to presume or call for proof

D:-Cannot rely on it

Correct Answer:- Option-C

Question10:-Where the question is whether an act was accidental, evidence of similar occurrences is:

A:-Relevant

B:-Irrelevant

C:-Relevant only if prior conviction exists

D:-Relevant only in fraud cases

Correct Answer:- Option-A

Question11:-Evidence may be given only of:

A:-Any fact discovered

B:-Facts in issue and facts declared relevant

C:-All surrounding facts

D:-Character evidence

Correct Answer:- Option-B

Question12:-Facts forming part of the same transaction are relevant even if they occur:

A:-At the same place only

B:-At the same time only

C:-At different times and places

D:-After trial begins

Correct Answer:- Option-C

Question13:-Facts showing state of mind are relevant when:

A:-Always

B:-Never

C:-Only in criminal trials

D:-Such state of mind is in issue or relevant

Correct Answer:- Option-D

Question14:-Which of the following is relevant under Section 6?

A:-Statements unrelated to conduct

B:-Motive and preparation

C:-Character evidence

D:-Hearsay statements

Correct Answer:- Option-B

Question15:-Subsequent conduct of an accused such as absconding is relevant when it:

A:-Proves commission of offence

B:-Influences or is influenced by facts in issue

C:-Is morally wrong

D:-Causes delay

Correct Answer:- Option-B

Question16:-A statement suggesting an inference as to any fact in issue, made by a person and relied upon by an adverse party, is called:

A:-Confession

B:-Admission

C:-Testimony

D:-Presumption

Correct Answer:- Option-B

Question17:-When right or custom is in question, relevant facts include:

A:-Personal character of parties

B:-Transactions creating or denying such right

C:-Financial capacity of parties

D:-Prior criminal records

Correct Answer:- Option-B

Question18:-Facts which are the cause or effect of relevant facts are:

A:-Irrelevant

B:-Relevant

C:-Relevant only in civil cases

D:-Relevant only if admitted

Correct Answer:- Option-B

Question19:-Facts necessary to explain or introduce a fact in issue are:

A:-Irrelevant

B:-Conditionally relevant

C:-Relevant only in appeals

D:-Relevant

Correct Answer:- Option-D

Question20:-Acts done by a conspirator in reference to common intention are:

A:-Relevant against all conspirators

B:-Relevant only against the person doing the act

C:-Never relevant

D:-Relevant only after arrest

Correct Answer:- Option-A

Question21:-Facts inconsistent with a fact in issue are:

A:-Irrelevant

B:-Relevant

C:-Relevant only if documentary

D:-Relevant only in civil suits

Correct Answer:- Option-B

Question22:-In suits for damages, facts helping determine amount of damages are:

A:-Irrelevant

B:-Relevant only if admitted

C:-Relevant

D:-Relevant only in tort cases

Correct Answer:- Option-C

Question23:-A party seeks to prove a fact which the Court is bound to take judicial notice of. The Court:

A:-May require strict proof

B:-Shall require documentary evidence

C:-Need not require proof

D:-Must record evidence formally

Correct Answer:- Option-C

Question24:-Which of the following must the Court take judicial notice of?

A:-Local custom

B:-All laws in force in India

C:-Private agreements

D:-Personal reputation

Correct Answer:- Option-B

Question25:-If a party requests judicial notice of a public historical fact, the Court:

A:-Must accept without reference

B:-Shall record expert evidence

C:-May require appropriate reference books

D:-Must summon government officials

Correct Answer:- Option-C

Question26:-Facts admitted by pleadings:

A:-Always require independent proof

- B:-Need not be proved
 - C:-Must be proved in criminal cases
 - D:-Require affidavit evidence
- Correct Answer:- Option-B

Question27:-Which of the following cannot be proved by oral evidence?

- A:-Conduct
- B:-State of mind
- C:-Contents of documents
- D:-Identity of person

Correct Answer:- Option-C

Question28:-If a fact could be seen, oral evidence must be of a witness who:

- A:-Believes it happened
- B:-Heard about it
- C:-Read about it
- D:-Saw it

Correct Answer:- Option-D

Question29:-Opinions in published treaties may be proved when:

- A:-The author is available
- B:-The author is dead or unavailable
- C:-Parties consent
- D:-Court directs suo motu

Correct Answer:- Option-B

Question30:-Contents of documents may be proved by:

- A:-Only primary evidence
- B:-Only secondary evidence
- C:-Either primary or secondary evidence
- D:-Only oral evidence

Correct Answer:- Option-C

Question31:-Where a document is executed in counterparts:

- A:-Only original is primary evidence
- B:-Each counterpart is primary evidence against executant
- C:-None is primary evidence
- D:-It is secondary evidence

Correct Answer:- Option-B

Question32:-Simultaneously stored electronic recordings are:

- A:-Secondary evidence
- B:-Inadmissible
- C:-Primary evidence
- D:-Expert evidence

Correct Answer:- Option-C

Question33:-Which of the following is secondary evidence?

- A:-Original document
- B:-Certified copy
- C:-Electronic original
- D:-Counterpart by executant

Correct Answer:- Option-B

Question34:-Documents must generally be proved by:

- A:-Oral evidence
- B:-Secondary evidence
- C:-Primary evidence
- D:-Presumptions

Correct Answer:- Option-C

Question35:-A statement made by a person whose liability must be proved against a party to the suit is an admission only if:

- A:-It was made after the suit was filed
- B:-It was made while the person occupied such position or liability
- C:-It was made in writing and registered
- D:-It was made before a Magistrate

Correct Answer:- Option-B

Question36:-When a party to a suit expressly refers another person for information on a matter in dispute, the statement of such person:

- A:-Is not admissible unless under oath
- B:-Is hearsay and inadmissible
- C:-Is an admission
- D:-Is relevant only if corroborated

Correct Answer:- Option-C

Question37:-A confession made by an accused is irrelevant in a criminal proceeding if it appears to the Court to have been caused by:

- A:-Mere intoxication
- B:-Promise of secrecy
- C:-Deception practised to obtain it
- D:-Inducement, threat, coercion or promise from a person in authority

Correct Answer:- Option-D

Question38:-Admissions under the Act:

- A:-Are not conclusive proof but may operate as estoppel
- B:-Are always conclusive proof
- C:-Cannot be used as evidence at all
- D:-Are relevant only in civil cases

Correct Answer:- Option-A

Question39:-A person of unsound mind is competent to testify if:

- A:-He was once treated for mental illness
- B:-He understands the questions and gives rational answers
- C:-The opposite party consents
- D:-He gives evidence in writing

Correct Answer:- Option-B

Question40:-A witness unable to speak may give evidence:

- A:-Only through affidavit
- B:-Only by writing
- C:-By writing or signs in Open Court
- D:-Only through a guardian

Correct Answer:- Option-C

Question41:-In criminal proceedings, the spouse of the accused:

- A:-Is incompetent to testify
- B:-is competent to testify
- C:-Can testify only with Court permission
- D:-Can testify only if summoned by prosecution

Correct Answer:- Option-B

Question42:-A Judge may be compelled to answer questions about his judicial conduct:

- A:-Always
- B:-Only if accused demands
- C:-Only upon special order of a Superior Court
- D:-Never

Correct Answer:- Option-C

Question43:-Communication made during marriage:

- A:-May always be disclosed in Court

B:-Cannot be disclosed without consent of the spouse who made it

C:-Can be disclosed in all criminal cases

D:-Is irrelevant in civil proceedings

Correct Answer:- Option-B

Question44:-Evidence derived from unpublished official records relating to affairs of State requires:

A:-Consent of the Court only

B:-Permission of Head of department concerned

C:-Consent of Parliament

D:-Public notice

Correct Answer:- Option-B

Question45:-A Magistrate or Police Officer:

A:-Must disclose source of information

B:-May disclose only in civil cases

C:-Cannot be compelled to disclose source of information about an offence

D:-Must disclose if ordered by defence

Correct Answer:- Option-C

Question46:-An advocate may disclose communication from a client when:

A:-The communication furthers an illegal purpose

B:-The case is criminal

C:-The advocate retires from practice

D:-The client is convicted

Correct Answer:- Option-A

Question47:-If a party voluntarily gives evidence, he is deemed to have consented to disclosure under Section 132:

A:-In all circumstances

B:-Only if he questions his advocate on protected matters

C:-Automatically

D:-Only in criminal trials

Correct Answer:- Option-B

Question48:-A person may be compelled to disclose confidential communication with legal adviser:

A:-If he offers himself as a witness and Court deems it necessary

B:-In all civil cases

C:-Whenever demanded by prosecution

D:-In matrimonial disputes

Correct Answer:- Option-A

Question49:-A witness cannot refuse to answer relevant questions on the ground that:

A:-The question is leading

B:-It may incriminate him

C:-It is embarrassing

D:-It concerns character

Correct Answer:- Option-B

Question50:-Conviction based on testimony of an accomplice:

A:-Is illegal

B:-Requires minimum two accomplices

C:-Is illegal unless corroborated

D:-Is not illegal merely because based on corroborated accomplice testimony

Correct Answer:- Option-D

Question51:-Proof of a fact requires:

A:-At least two witnesses

B:-One public witness

C:-No particular number of witnesses

D:-Three independent witnesses

Correct Answer:- Option-C

Question52:-Re-examination of a witness is directed primarily to:

- A:-Introducing new evidence
 - B:-Explanation of matters referred to in cross-examination
 - C:-Testing credibility
 - D:-Repeating examination-in-chief
- Correct Answer:- Option-B

Question53:-Leading questions:

- A:-Are always prohibited
 - B:-May be asked in examination-in-chief without restriction
 - C:-Cannot be asked in cross-examination
 - D:-May be asked in cross-examination
- Correct Answer:- Option-D

Question54:-The existence of a judgment, order or decree which by law prevents a Court from taking cognizance of a suit is relevant to determine:

- A:-Whether damages should be enhanced
 - B:-Whether such Court ought to take cognizance of the suit or hold the trial
 - C:-Whether parties have waived objection
 - D:-Whether limitation has expired
- Correct Answer:- Option-B

Question55:-A final judgment of a competent court in probate, matrimonial, admiralty or insolvency jurisdiction is conclusive proof that:

- A:-It binds only the specified parties
 - B:-It is open to collateral challenge
 - C:-The legal character conferred accrued when the judgment came into operation
 - D:-It is only prima facie evidence
- Correct Answer:- Option-C

Question56:-Judgments other than those mentioned in Section 35 are relevant if they relate to matters of a public nature, but they are:

- A:-Conclusive proof of the matters stated
 - B:-Relevant only in civil cases
 - C:-Relevant only when admitted by both parties
 - D:-Not conclusive proof of what they state
- Correct Answer:- Option-D

Question57:-Judgments not falling under Sections 34, 35 or 36 are irrelevant unless:

- A:-Their existence is a fact in issue or relevant under some other provision of BSA
 - B:-They were delivered by a superior court
 - C:-They concern public rights
 - D:-They involve criminal liability
- Correct Answer:- Option-A

Question58:-A party may prove that a relevant judgment was delivered by an Incompetent Court or obtained by fraud or collusion under:

- A:-Section 37
 - B:-Section 40
 - C:-Section 38
 - D:-Section 46
- Correct Answer:- Option-C

Question59:-When the Court has to form an opinion on foreign law, science, art, handwriting or finger impressions, the opinion of specially skilled persons is relevant under:

- A:-Section 41
 - B:-Section 42
 - C:-Section 39(1)
 - D:-Section 45
- Correct Answer:- Option-C

Question60:-The opinion of the Examiner of Electronic Evidence under Section 79A of the Information Technology Act, 2000 is treated as relevant expert opinion under:

- A:-Section 41(2)
- B:-Section 39(2)
- C:-Section 40
- D:-Section 43

Correct Answer:- Option-B

Question61:-The opinion of a person acquainted with another's handwriting regarding authorship of a document is relevant under:

- A:-Section 41(1)
- B:-Section 42
- C:-Section 44
- D:-Section 45

Correct Answer:- Option-A

Question62:-In criminal proceedings, evidence of bad character of the accused is irrelevant unless evidence of good character has been given, as provided under:

- A:-Section 46
- B:-Section 49
- C:-Section 47
- D:-Section 50

Correct Answer:- Option-B

Question63:-In prosecutions for specified offences under the Bharatiya Nyaya Sanhita, 2023 where consent is in issue, evidence of the victim's character or previous sexual experience is not relevant under:

- A:-Section 47
- B:-Section 46
- C:-Section 50
- D:-Section 48

Correct Answer:- Option-D

Question64:-Which of the following is classified as a public document?

- A:-Records of acts of sovereign authority and official tribunals
- B:-A private agreement between two individuals
- C:-A personal diary
- D:-An unregistered partnership deed

Correct Answer:- Option-A

Question65:-All documents other than those mentioned as public documents under Section 74(1) are:

- A:-Secondary documents
- B:-Certified documents
- C:-Private documents
- D:-Judicial documents

Correct Answer:- Option-C

Question66:-A public officer having custody of a public document must provide, upon demand and payment of legal fees:

- A:-An oral summary of its contents
- B:-A handwritten extract without certification
- C:-A copy along with a certificate stating it is a true copy, duly dated and signed
- D:-Only inspection but no copy

Correct Answer:- Option-C

Question67:-Certified copies of public documents may be produced:

- A:-Only for corroboration
- B:-As proof of the contents of the public documents
- C:-Only after examining the author
- D:-Only in civil proceedings

Correct Answer:- Option-B

Question68:-Proceedings of Parliament may be proved by:

A:-Oral testimony of members

B:-Private notes of legislators

C:-Newspaper reports

D:-Journals of Parliament or Published Acts or copies printed by Government order

Correct Answer:- Option-D

Question69:-The Court shall presume a document to be genuine if it purports to be a certified copy admissible by law and duly certified by a Government Officer, provided it is:

A:-Substantially in the prescribed form and executed as directed by law

B:-Notarised by an advocate

C:-Signed by two witnesses

D:-Accompanied by oral evidence

Correct Answer:- Option-A

Question70:-When a document purports to be a record of evidence signed by a judge or Magistrate, the Court shall presume that:

A:-It is secondary evidence

B:-The document is genuine and duly taken

C:-It is conclusive proof

D:-It cannot be challenged

Correct Answer:- Option-B

Question71:-The Court shall presume the genuineness of every document purporting to be the Official Gazette or a newspaper if it is:

A:-Produced by any private person

B:-Registered compulsorily

C:-Produced from proper custody and kept in required form

D:-Accompanied by expert evidence

Correct Answer:- Option-C

Question72:-Maps or plans purporting to be made by authority of Government are presumed:

A:-To be admissible but not accurate

B:-To be inaccurate unless proved

C:-To be secondary evidence

D:-To have been so made and to be accurate

Correct Answer:- Option-D

Question73:-The Court shall presume that a document purporting to be a power-of-attorney executed before and authenticated by a Notary Public was:

A:-Properly executed and authenticated

B:-Only tentatively valid

C:-Valid only if registered

D:-Admissible only in civil cases

Correct Answer:- Option-A

Question74:-Where a document thirty years old is produced from proper custody, the Court may presume:

A:-Only its contents are true

B:-It is conclusive proof

C:-The signature and execution are genuine

D:-It is automatically admissible without proof

Correct Answer:- Option-C

Question75:-When terms of a contract have been reduced to writing, proof of those terms must generally be given by:

A:-Oral evidence of parties

B:-The document itself or admissible secondary evidence

C:-Affidavits of witnesses

D:-Presumptions of law

Correct Answer:- Option-B

Question76:-After proving a written contract under Section 94, oral evidence cannot be admitted between parties to:

A:-Interpret technical words

- B:-Prove fraud
 - C:-Explain handwriting
 - D:-Contradict, vary, add to, or subtract from its terms
- Correct Answer:- Option-D

Question77:-When language in a document is plain and accurately applies to existing facts, evidence cannot be given to show:

- A:-That it was intended for different facts
 - B:-Technical meaning
 - C:-Customary usage
 - D:-Subsequent agreement
- Correct Answer:- Option-A

Question78:-Evidence may be given to show the meaning of illegible, foreign, technical, local or peculiar expressions used in a document under:

- A:-Section 99
 - B:-Section 100
 - C:-Section 101
 - D:-Section 102
- Correct Answer:- Option-C

Question79:-Secondary evidence may be given when the original document is in the possession of the adverse party who, after notice, fails to produce it. This situation is covered when:

- A:-The original is destroyed by the Court
 - B:-The original is in possession of the opposite party or a person not subject to Court process and is not produced after notice
 - C:-The document is registered
 - D:-The document is more than thirty years old
- Correct Answer:- Option-B

Question80:-When the original document has been destroyed or lost without default or neglect of the party, secondary evidence is admissible because:

- A:-The document is presumed genuine
 - B:-Written admission replaces proof
 - C:-Loss or destruction without fault permits proof of contents by secondary evidence
 - D:-Oral evidence becomes primary evidence
- Correct Answer:- Option-C

Question81:-Where the original is a public document, secondary evidence is admissible in the form of:

- A:-Oral testimony only
 - B:-Any kind of secondary evidence
 - C:-A certified copy only
 - D:-Photocopy without certification
- Correct Answer:- Option-C

Question82:-Secondary evidence of a document in possession of the adverse party shall not be given unless:

- A:-The Court gives permission in writing
 - B:-A public notice is issued
 - C:-An expert certifies its absence
 - D:-Notice to produce has been given, unless dispensed with
- Correct Answer:- Option-D

Question83:-If a document is alleged to be signed by a person, the signature must be proved to be in that person's handwriting under:

- A:-Section 65
 - B:-Section 66
 - C:-Section 67
 - D:-Section 72
- Correct Answer:- Option-A

Question84:-Where an electronic signature (other than a secure electronic signature) is alleged to be affixed, its authenticity must be proved because:

A:-Electronic records are inadmissible

B:-The electronic signature must be proved to belong to the subscriber

C:-Only expert opinion is sufficient

D:-Certification is optional

Correct Answer:- Option-B

Question85:-A document required by law to be attested cannot be used in evidence unless:

A:-It is notarised

B:-It is registered

C:-At least one attesting witness is called, if available and capable

D:-The party admits its execution

Correct Answer:- Option-C

Question86:-When no attesting witness can be found, execution of an attested document may be proved by:

A:-Producing a certified copy

B:-Proving handwriting of an attesting witness and of the executant

C:-Oral admission alone

D:-Expert opinion only

Correct Answer:- Option-B

Question87:-Admission by a party to an attested document of its execution is:

A:-Insufficient proof

B:-Valid only if registered

C:-Relevant but not conclusive

D:-Sufficient proof of execution against him

Correct Answer:- Option-D

Question88:-If an attesting witness denies or does not recollect execution of a document, its execution:

A:-Cannot be proved

B:-May be proved by other evidence

C:-Must be presumed invalid

D:-Requires re-attestation

Correct Answer:- Option-B

Question89:-For determining whether a signature or writing is that of a particular person, the Court may compare it with an admitted signature and may also direct the person present in Court to write for comparison. This power is conferred under:

A:-Section 71

B:-Section 72

C:-Section 73

D:-Section 63

Correct Answer:- Option-B

Question90:-The burden of proof lies on the person who asserts the existence of facts on which a legal right or liability depends because:

A:-The Court must presume those facts

B:-The opposing party must disprove them

C:-The person desiring judgment based on those facts must prove their existence

D:-Criminal cases are exceptions

Correct Answer:- Option-C

Question91:-In a suit where no evidence is given by either side, the burden of proof lies on the person who would fail if no evidence were adduced. This principle is contained in:

A:-Section 105

B:-Section 106

C:-Section 107

D:-Section 109

Correct Answer:- Option-A

Question92:-When a fact is especially within the knowledge of a person, the burden of proving that fact lies on:

- A:-The Court
- B:-The prosecution in all cases
- C:-The person in whose special knowledge the fact lies
- D:-The opposite party

Correct Answer:- Option-C

Question93:-When a person is accused of an offence and claims the benefit of a General Exception under the Bharatiya Nyaya Sanhita, the burden of proving such circumstances lies on:

- A:-The Prosecution
- B:-The Court
- C:-The Complainant
- D:-The Accused

Correct Answer:- Option-D

Question94:-If a person was shown to be alive within thirty years, the burden of proving that he is dead lies on:

- A:-The person who affirms his death
- B:-His legal heirs
- C:-The State
- D:-The person denying his death

Correct Answer:- Option-A

Question95:-When a person has not been heard of for seven years by those who would naturally have heard of him, the burden of proving that he is alive shifts to:

- A:-The Court
- B:-The person who affirms that he is alive
- C:-The legal representative
- D:-The prosecution

Correct Answer:- Option-B

Question96:-When parties have been shown to act as partners, landlord and tenant or principal and agent, the burden of proving cessation of such relationship lies on:

- A:-The person asserting that relationship continues
- B:-Both parties equally
- C:-The person denying or asserting cessation of the relationship
- D:-The Court

Correct Answer:- Option-C

Question97:-Where a transaction is between parties in a position of active confidence, the burden of proving good faith lies on:

- A:-The person alleging bad faith
- B:-The party in a position of active confidence
- C:-The beneficiary of the transaction
- D:-The State

Correct Answer:- Option-B

Question98:-The fact that a child was born during the continuance of a valid marriage is:

- A:-Rebuttable proof of legitimacy
- B:-Prima facie proof of legitimacy
- C:-Presumptive proof subject to discretion
- D:-Conclusive proof of legitimacy unless non-access is shown

Correct Answer:- Option-D

Question99:-In a prosecution for dowry death, if cruelty or harassment for dowry is shown soon before death, the Court:

- A:-May presume innocence
- B:-Shall presume the accused caused the dowry death
- C:-Must require direct evidence
- D:-Cannot rely on presumption

Correct Answer:- Option-B

Question100:-When one person intentionally causes another to believe something to be true and to act upon it, he cannot later deny its truth in proceedings between them. This principle is known as:

A:-Burden of proof

B:-Presumption of fact

C:-Res judicata

D:-Estoppel

Correct Answer:- Option-D