Bihar Judicial Service (Mains) 2023

Law of Evidence and Procedure · compulsory paper

Group A

1. (a) Explain the meanings of the following: (i) Pleading; (ii) Decree. (15)
(b) Explain in detail who could be a legal representative. (15)

2. (a) Distinguish between res judicata and estoppel. How far res judicata can be applicable on Foreign Judgments? (15)
(b) Under what circumstances, the Court may give order for arrest before judgment? Explain. (15)

3. (a) Distinguish between the following: (i) Set-off and counterclaim; (ii) Recognized agent and pleader.
(b) Who may be joined as defendants? Who are capable to file representative suits?

Group B

4. (a) To what extent the doctrine of res gestae has been incorporated under the Indian Evidence Act? Discuss. (15)
(b) Write notes on the following: (i) Testimony of accomplice; (ii) Presumption as to documents thirty years old. (10)

5. (a) Distinguish between the following: (i) Public documents and private documents; (ii) Admission and confession. (15)
(b) Explain the conditions when facts not otherwise relevant become relevant. (10)

6. (a) Explain how in each case the evidence is proved as relevant: (i) Motive; (ii) Preparation; (iii) Previous/subsequent conduct. (15)
(b) "An accomplice shall be a competent witness against an accused person." Can it be substantiated with relevant provisions and illustrations? (10)

Group C

7. (a) Discuss the provisions for conducting of arbitral proceedings. (10)
(b) Write notes on the following: (i) International commercial arbitration; (ii) Interim relief by the Court. (10)

8. (a) What steps can be taken to discourage unnecessary litigation under the Arbitration and Conciliation Act? (10)
(b) Distinguish between the following: (i) Arbitration agreement and arbitral award; (ii) Arbitration and judicial adjudication. (10)

Group D

9. (a) What do you mean by Complaint? Briefly explain the essential requisites of complaint. (10)
(b) Distinguish between the following: (i) Complaint and First Information Report; (ii) Summons case and warrant case. (10)

10. (a) Discuss the role of Registrar under the Provincial Small Cause Courts Act, 1887. (10)
(b) Write notes on the following: (i) Subordination of Courts of Small Causes; (ii) Appeal and revision from orders of Courts of Small Causes. (10)