West Bengal Judicial Service (Mains) 2018

Indian Evidence Act · compulsory paper

Time: 3 hours · Full marks: 100

Group A: answer Question No. 1 and any two from the rest

1. The enactment and adoption of the Indian Evidence Act, 1872 was a path-breaking judicial measure introduced in India which changed the entire system of concepts pertaining to the admissibility of rules of evidence in the Indian courts of law. Discuss the nature, scope and applicability of the Act in the light of the above statement. (20)

2. (a) Explain the terms 'proved', 'disproved' and 'not proved' in the context of the Act. (b) A married woman had been writing to her parents and other relatives about her critical condition at the hands of her in-laws. She lost her life six months later. The letters were sought to be proved as a dying declaration. Decide whether the letters form a dying declaration or not. (8+7=15)

3. (a) Define 'relevant fact' and 'fact in issue' and point out the differences between the two. (b) Explain oral evidence and hearsay evidence. ((3+2+5)+5=15)

4. Write short notes on the following: (i) Examination-in-chief; (ii) Cross-examination; (iii) Re-examination. (5+5+5=15)

Group B: answer Question No. 5 and any two from the rest

5. (a) Explain the term 'competent to testify' under the Indian Evidence Act, 1872. Discuss the competence of a lunatic to testify. (b) "Evidence is to be weighed on the basis of quality, not quantity." Discuss. ((8+7)+5=20)

6. (a) What is 'primary evidence'? (b) Discuss the concept of 'hostile witness' from the point of view of the Act. (8+7=15)

7. (a) Who is an expert? (b) "Views of third persons often help the courts form an opinion." Discuss. (7+8=15)

8. (a) Discuss the concept of privileged communications. (b) (i) 'A' disclosed to his lawyer that he is guilty of an offence and should be defended. Discuss. (ii) Define 'conclusive proof'. (7+(4+4)=15)