West Bengal Judicial Service (Mains) 2021

Indian Evidence Act · compulsory paper

Time: 3 hours · Full marks: 100

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

1. Discuss elaborately the effect of The Information Technology Act, 2000 on Indian Evidence Act. (20)

2. (a) Discuss the rules relating to relevancy of character in civil as well as in criminal proceedings.
(b) A is being tried for the murder of X. There is evidence to show that X was murdered by A and B and that B said "A and I murdered X". Is the aforesaid confession by B admissible against A? (8+7=15)

3. Discuss and reconcile the statements:
(a) "The Court may presume that an accomplice is unworthy of credit unless he is corroborated in material particulars."
(b) "A conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice." (8+7=15)

4. Write short notes on any three: (a) Judicial Notice; (b) Estoppel; (c) Privileged Communication; (d) Patent Ambiguity (5+5+5=15)

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

5. Distinguish between any four: (a) Judicial Confession and Extra Judicial Confession; (b) Proved and Disproved; (c) Presumption of Fact and Presumption of Law; (d) Fact in issue and Relevant Fact; (e) Motive and Intention (5+5+5+5=20)

6. Critically evaluate the common law interpretation of what constitutes "Hearsay Evidence". Also comprehend the reasons for excluding such evidence and creating exception to such rule of exclusion. (7+8=15)

7. How and on what basis the evidentiary value of "Identification Parade" is required to be appreciated by judiciary? Is the basis of such appreciation conforms to the principles of fair trial? (10+5=15)

8. Critically examine the provisions of Indian Evidence Act relating to Examination-in-Chief, Cross-Examination and Re-Examination with reference to judicial decisions. (15)