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Name :	Reg. No.	Signature :
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DEPARTMENTAL TESTS — SEPTEMBER, 2020

Number of Questions : 100

Time : 2 hours

(Maximum Marks :100)

INSTRUCTIONS TO CANDIDATES

1. The question paper will be given in the form of a Question Booklet. There will be four versions of question booklets with question booklet alpha code viz. A, B, C & D.
2. The Question Booklet Alpha Code will be printed on the top left margin of the facing sheet of the question booklet.
3. The Question Booklet Alpha Code allotted to you will be noted in your seating position in the Examination Hall.
4. If you get a question booklet where the alpha code does not match to the allotted alpha code in the seating position, please draw the attention of the invigilator IMMEDIATELY.
5. The Question Booklet Serial Number is printed on the top right margin of the facing sheet. If your question booklet is un-numbered, please get it replaced by new question booklet with same alpha code.
6. The Question Booklet will be sealed at the middle of the right margin. Candidate should not open the question booklet, until the indication is given to start answering.
7. Immediately after the commencement of the examination, the candidate should check that the question booklet supplied contains all the 100 questions in serial order. The question booklet does not have unprinted or torn or missing pages and if so the fact should be brought to the notice of the Invigilator and get it replaced by a complete booklet with same alpha code. This is most important.
8. A blank sheet of paper is attached to the question booklet. This may be used for rough work.
9. **Please read carefully all the instructions on the reverse of the Answer Sheet before marking your answers.**
10. Each question is provided with four choices (A), (B), (C) and (D) having one correct answer. Choose the correct answer and darken the bubble corresponding to the question number using Blue or Black Ball Point Pen in the OMR Answer Sheet.
11. **Each correct answer carries 1 mark and for each wrong answer 1/3 mark will be deducted. No negative marks for unattended questions.**
12. No candidate will be allowed to leave the examination hall till the end of the session and without handing over the Answer Sheet to the Invigilator. Candidates should ensure that the Invigilator has verified all the entries in the Register Number Coding Sheet and that the Invigilator has affixed his/her signature in the space provided.
13. Strict compliance of instructions is essential. Any malpractice or attempt to commit any kind of malpractice in the Examination will result in the disqualification of the candidate.
14. **If any candidates make a marking of answer in the question paper and exchange with other candidate during the course of the examination, the answer script will be invalidated and the candidates will be debarred for a minimum period of 2 years from appearing the Departmental Tests.**

A

1. On which date did the Evidence Act, 1872 came into force ?
 (A) 1st September 1872 (B) 1st July 1872
 (C) 1st January 1872 (D) 1st April 1872
2. Presumptions under the law of evidence are :
 (A) Presumption of law (B) Presumption of fact
 (C) Both A and B (D) Only A and not B
3. Who cannot make admissions ?
 (A) Agents of the parties
 (B) Persons from whom parties derive interest
 (C) Admission by co-defendant
 (D) Those persons who have been made umpires by party to the case
4. Confession while in judicial custody is also inadmissible as per :
 (A) Section 19 of Evidence Act (B) Section 20 of Evidence Act
 (C) Section 25 of Evidence Act (D) Section 26 of Evidence Act
5. Confession of a co-accused is admissible against the other co-accused :
 (A) Under Section 27 of Evidence Act (B) Under Section 30 of Evidence Act
 (C) Under Section 31 of Evidence Act (D) Under Section 32 of Evidence Act
6. Which Section of the Evidence Act deals with proof of customary practises ?
 (A) Section 35, 48 and 49 (B) Section 35, 47 and 49
 (C) Section 34, 46 and 47 (D) Section 33, 45 and 48
7. Which one of the following Section of the Evidence Act has been substituted for an old Section by IT Act, 2000 ?
 (A) Section 22 (B) Section 47 (C) Section 65 (D) Section 39
8. Where are Admiralty court judgments mentioned in the Evidence Act ?
 (A) Section 40 (B) Section 41 (C) Section 42 (D) Section 43
9. The report of a medical officer on injuries to the victim :
 (A) Not admissible (B) Irrelevant
 (C) Conclusive (D) Relevant and admissible
10. Handwriting of X on document can be proved by :
 (A) Through the friend of A
 (B) The digital signature A
 (C) A person who claims to have received document which A had written
 (D) A person who in ordinary course of business, has habitually received documents from A with his handwriting

11. The res inter alia acta is receivable under which Section of the Evidence Act ?
(A) 51 (B) 50 (C) 45 (D) 46
12. Is previous character whether good or bad relevant in criminal cases under the Evidence Act ?
(A) Yes (B) No (C) Sometimes (D) None of the above
13. The term character under Section 55 of Evidence Act is :
(A) Good behaviour
(B) Character in a criminal act
(C) Reputation formed on the basis of particular disposition
(D) Reputation and disposition general nature
14. What type of evidence is testimony of a dumb witness is ?
(A) Oral (B) Documentary (C) Primary (D) Secondary
15. Public document is defied under ?
(A) Section 64 of the Evidence Act (B) Section 70 of the Evidence Act
(C) Section 78 of the Evidence Act (D) Section 74 of the Evidence Act
16. When does the 30 years mentioned in Section 90 of the Evidence Act starts ?
(A) Date of filing of the document in court
(B) Date on which document tendered in evidence and its genuineness becomes a subject of proof
(C) Either A or B
(D) Neither A or B
17. Where a bill of exchange is drawn in a set of five how many of them needs to be proved ?
(A) 1 (B) 2 (C) 3 (D) 4
18. Section 105 of the Evidence Act deals with :
(A) Plea of alibi (B) Oral evidence
(C) Documentary evidence (D) Both B and C
19. Burden of proving fact especially within knowledge is mentioned under :
(A) Section 105 of the Evidence Act (B) Section 106 of the Evidence Act
(C) Section 107 of the Evidence Act (D) Section 108 of the Evidence Act
20. Presumption as to dowry death Section of the Evidence Act :
(A) 113B (B) 114 (C) 118 (D) 117
21. A judge cannot be compelled to answer any question as to his own conduct in court as such as per :
(A) Section 120 of the Evidence Act (B) Section 121 of the Evidence Act
(C) Section 122 of the Evidence Act (D) Section 123 of the Evidence Act

A

22. What is meant by the term cross-examination ?
(A) Examination by person who calls the witness
(B) Examination by opposing party
(C) The first witness
(D) None of the above
23. Under which Section of the Evidence Act a judge is empowered to ask any question relevant or irrelevant to a witness or a party to a suit ?
(A) 164 (B) 165 (C) 166 (D) 167
24. Section 13 of the Evidence Act applies to :
(A) Corporeal rights (B) Incorporeal rights
(C) Both corporeal and incorporeal rights (D) Neither (A) nor (B)
25. What does the maxim “falsus in uno, falsus in omnibus” state ?
(A) False in one thing false in everything
(B) False in one thing is not false in everything
(C) False evidence is omnipresent
(D) None of the above
26. A fact when it is neither proved nor disproved is said to be :
(A) Disproved (B) Not proved
(C) Neither A nor B (D) May proved
27. Section 27 of the Evidence Act applies :
(A) When the person giving information is not in police custody
(B) When the person is neither in police custody nor an accused
(C) When person is in police custody but not an accused
(D) When person is an accused and in police custody
28. Which Section of the Evidence Act provides for relevancy of digital signature ?
(A) 40 (B) 41 (C) 47A (D) 31
29. Under the Evidence Act a public document can be proved by :
(A) Oral evidence (B) Affidavit of giver of the document
(C) Certified copy (D) None of the above
30. Memorandum of association of a company is a :
(A) Public document (B) Private document
(C) Both (D) Neither A nor B
31. Presumption as to genuineness of document produced as record of evidence is stated under which Section of the Evidence Act ?
(A) 77 (B) 78 (C) 79 (D) 80

32. Section 91 of the Evidence Act applies to :
- (A) Criminal cases
 - (B) Does not apply to criminal case
 - (C) Does not apply to third parties
 - (D) None of the above
33. In an election petition the burden of proof is on :
- (A) The person who challenged petition
 - (B) The person who contested election
 - (C) Election agent
 - (D) None of the above
34. Presumption of death is taken if nobody hears from that person for :
- (A) 7 years
 - (B) 14 years
 - (C) 21 years
 - (D) 28 years
35. 114A was inserted in the Evidence Act by amendment in :
- (A) 1981
 - (B) 1982
 - (C) 1983
 - (D) 2013
36. Estoppels can be done by :
- (A) Standing by
 - (B) Recital indeed
 - (C) Attestation
 - (D) All of the above
37. Who among the following may testify ?
- (A) Accomplice
 - (B) Dumb
 - (C) Child
 - (D) All of the above
38. Which Section of the Evidence Act removes the bar of the doctrine that husband and wife is one person in law ?
- (A) 120
 - (B) 121
 - (C) 122
 - (D) 123
39. Professional communication is between advocate and client is protected under :
- (A) Section 124 of the Evidence Act
 - (B) Section 125 of the Evidence Act
 - (C) Section 126 of the Evidence Act
 - (D) Section 127 of the Evidence Act
40. Section 137 of the Evidence Act deals with :
- (A) Cross examination
 - (B) Examination-in-chief
 - (C) Re-examination
 - (D) Both A and B
41. Section of the Evidence Act forbids any question which is intended to insult or annoy.
- (A) 151
 - (B) 152
 - (C) 153
 - (D) 154
42. For conduct to be relevant under Section 8 of Evidence Act, it :
- (A) Must be previous
 - (B) Must be subsequent
 - (C) May be either previous or subsequent
 - (D) Only subsequent and not previous
43. Indian Evidence Act was drafted by :
- (A) Lord Macaulay
 - (B) Sir James F. Stephen
 - (C) Huxley
 - (D) Sir Henry Summer Maine

A

44. Confession of an accused is admissible against the other co-accused :
- (A) Under Section 28 of the Evidence Act (B) Under Section 29 of the Evidence Act
(C) Under Section 30 of the Evidence Act (D) Under Section 31 of the Evidence Act
45. Indian Evidence Act applies to :
- (A) Civil proceedings (B) Criminal proceedings
(C) Both A and B (D) Only criminal proceeding
46. Fact in issue means fact existence or non existence of which is ?
- (A) Admitted by the parties (B) Disputed by the parties
(C) Not disputed by the parties (D) None of the above
47. Under which Section admission is defined in Evidence Act ?
- (A) 16 (B) 17 (C) 18 (D) 19
48. Which one is not mentioned as ground under Section 24 of Evidence Act rendering a confession by an accused irrelevant ?
- (A) Inducement (B) Promise (C) Deceit (D) Threat
49. Which Section comes into play when accused voluntarily consents for brain mapping and narco analysis ?
- (A) Section 6 (B) Section 10 (C) Section 20 (D) Section 27
50. Generally dying declarations are admissible as Evidence under :
- (A) Section 20 of the Indian Evidence Act, 1872
(B) Section 25 of the Indian Evidence Act, 1872
(C) Section 32 of the Indian Evidence Act, 1872
(D) Section 35 of the Indian Evidence Act, 1872
51. Statement in anticipation of death by person who survives is :
- (A) Admissible as dying declaration
(B) Not admissible as dying declaration
(C) Admissible under section 144 Evidence Act
(D) Admissible under section 157 Evidence Act
52. Which one of the following judgment is judgment in personam ?
- (A) Final judgment on admiralty matters
(B) Final judgment in suit for divorce
(C) Final judgment in suit for insolvency
(D) Final judgment in suit for conjugal rights
53. Which of the following cannot be termed as expert opinion ?
- (A) Opinion by serologist on blood
(B) Opinion relating to bullet by ballistic expert
(C) Opinion by narco-analyst about the condition of mind
(D) Opinion of hand writing expert in case of emergency

54. Opinion on relationship is relevant and provided for under which Section of the Evidence Act ?
(A) 49 (B) 50 (C) 51 (D) 52
55. A post mortem report is admissible under which Section of Evidence Act ?
(A) 41 (B) 42 (C) 43 (D) 45
56. In which of the following case hearsay is admissible ?
(A) Dying declaration (B) Admission and confession
(C) Res gestae (D) All the above
57. Private document is defined under which Section of the Evidence Act ?
(A) 75 (B) 76 (C) 77 (D) 78
58. According to Section 91 of the Evidence Act :
(A) Written document must be proved by writing only
(B) Written document must not be proved by writing only
(C) Written document must be proved sometimes only
(D) Either A or B or C
59. Obligation to prove a fact is defined under which Section of the Evidence Act ?
(A) 100 (B) 200 (C) 101 (D) 201
60. Presumption under Section 112 of Evidence Act is :
(A) Rebuttable presumption (B) Irrebuttable presumption
(C) Conclusive proof (D) None of the above
61. Which public officers get protection under Section 125 of the Evidence Act ?
(A) Magistrates (B) Police officers
(C) Revenue officers (D) All of the above
62. Under Section of the Evidence Act there can be further cross-examination after re-examination :
(A) 136 (B) 137 (C) 138 (D) 139
63. A confession made to a police officer is inadmissible under :
(A) Section 24 of the Evidence Act (B) Section 25 of the Evidence Act
(C) Section 26 of the Evidence Act (D) Section 27 of the Evidence Act
64. Under the Evidence Act what is not an evidence ?
(A) Personal knowledge or observation of a judge about the case during hearing
(B) Statement of a dumb witness
(C) Electronic CD
(D) Documents for inspection

A

65. Admission is :
- (A) Conclusive proof of the fact stated (B) Not a conclusive proof of the fact stated
(C) Weak evidence (D) None of the above
66. Extra-judicial confession means a confession means a confession made to :
- (A) Magistrate (B) Police
(C) Doctor (D) Both B and C
67. Under Section 33 of evidence act evidence recorded by a witness in an earlier case can be produced in another judicial proceeding if :
- (A) Witness is alive
(B) Criminal proceeding is pending against the witness
(C) The witness was no right to cross-examine earlier
(D) Witness is alive but incapable of giving evidence
68. Opinion of examiner of electronic evidence is relevant under which Section of the Evidence Act ?
- (A) 45a (B) 44
(C) 45 (D) None of the above
69. Under Evidence Act which of the following facts need not be proved :
- (A) Public acts (B) Laws in force
(C) Parliament proceeding (D) All the above
70. Which Section was inserted in the Evidence Act by Section 92 and schedule II of the IT Act, 2000 ?
- (A) 65 (B) 66
(C) 67A (D) 68
71. Which Section of the Evidence Act is not dealing with shifting of burden of proof ?
- (A) 101 (B) 105
(C) 102 (D) 108
72. Section 121 of the Evidence Act provides for privileges in respect of which of the following ?
- (A) Judges and magistrates (B) Official communication
(C) Husband and wife (D) Affairs of the state
73. Presumption of continuance of life is mentioned in :
- (A) Section 105 of the Evidence Act (B) Section 106 of the Evidence Act
(C) Section 107 of the Evidence Act (D) Section 108 of the Evidence Act

74. Cross-examination of one's own witness is :
- (A) Not permissible
 - (B) Permissible with the consent of the opposite party
 - (C) Permissible
 - (D) At the discretion of the court
75. 'Necessity rule' as to the admissibility of evidence is contained in :
- (A) Section 31 of the Evidence Act
 - (B) Section 32 of the Evidence Act
 - (C) Section 60 of the Evidence Act
 - (D) Section 61 of the Evidence Act
76. Res Gestae literally means :
- (A) Community of purpose
 - (B) Proximity of time and place
 - (C) Continuity of action
 - (D) All of the above
77. Nemo moriturus proesunitur mentiri states the principle of which doctrine in the Evidence Act ?
- (A) Admission
 - (B) Dying declaration
 - (C) Confession
 - (D) None of the above
78. The right of the villagers of a particular village to use the water of a particular well is a general custom or right within the meaning under which Section of the Evidence Act ?
- (A) 46
 - (B) 47
 - (C) 48
 - (D) 49
79. Which Chapter of the Evidence Act deals with Documentary Evidence ?
- (A) III
 - (B) IV
 - (C) V
 - (D) VI
80. Principle stated in Section 106 of the Evidence Act is an application of the principle of :
- (A) Res judicata
 - (B) Res sic stantibus
 - (C) Res gestae
 - (D) Res ipsa loquitor
81. Which provision under the Evidence Act stipulates that lunatic can be a competent witness ?
- (A) 116
 - (B) 117
 - (C) 118
 - (D) 119
82. During re-examination :
- (A) New matter cannot be introduced
 - (B) New matters can be introduced
 - (C) New matter can be introduced with the permission of the court
 - (D) None of the above
83. Motive is relevant for any fact in issue or relevant fact under Section :
- (A) Section 8
 - (B) Section 9
 - (C) Section 10
 - (D) Section 11

A

84. Which one of the following is not the exception to the rule of hearsay under law of evidence ?
- (A) Confession (B) Res gestae
(C) Dying declaration (D) Expert opinion
85. Decision of a probate court is :
- (A) Judgment in personam (B) Judgment in rem
(C) Conclusive proof (D) Foreign judgment
86. Opinion of hand writing expert can be :
- (A) Never acted upon without corroboration
(B) Can be acted upon without corroboration
(C) Inadmissible
(D) Always needs corroboration
87. What is the type of admissible oral evidence ?
- (A) Direct (B) Indirect
(C) Circumstantial (D) Discretion of the court
88. Which Section under the Evidence Act relates to proof of electronic signatures ?
- (A) 68A (B) 68
(C) 67A (D) 67
89. Which chapter of the Evidence Act deals with burden of proof ?
- (A) IV (B) V
(C) VI (D) VII
90. Presumption under 112 of Evidence Act arises when child is born within :
- (A) 250 days (B) 260 days
(C) 300 days (D) 280 days
91. A Magistrate can be compelled to answer question on his own conduct as a magistrate in court :
- (A) By Police Officer (B) By different Magistrate
(C) By order of a Superior Court (D) Both A and B
92. Which Section of the Evidence Act gives power to judges to decide admissibility of evidence ?
- (A) 135 (B) 136 (C) 137 (D) 138
93. Questions suggesting answer which the person pitting expects to hear is called :
- (A) False questioning (B) Indecent questions
(C) Leading question (D) Scandalous question
94. Presumption under Section 90 of the Evidence Act is drawn in respect of :
- (A) Certified copies (B) Original documents only
(C) Uncertified copies (D) Duplicates

95. Habitual sexual intercourse is not relevant in deciding the issue of consent under which Section of the Evidence Act ?
(A) 51 (B) 52 (C) 53 (D) 53A
96. DNA test is admissible as evidence under which Section ?
(A) 45 (B) 46 (C) 47 (D) 48
97. Dying declaration can be made to a :
(A) Doctor (B) Lawyer
(C) Magistrate (D) Any of the above
98. Under Section 27 of the Evidence Act discovery of fact includes :
(A) The object found (B) The place from where it is produced
(C) Both A and B (D) Neither A nor B
99. Which of the following Section was amended by IT Act, 2000 ?
(A) Section 22 (B) Section 17
(C) Section 34 (D) All of the above
100. Which of the following does not act as estoppels ?
(A) Declaration (B) Omission
(C) Conduct (D) Act
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A

SPACE FOR ROUGH WORK

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*** The Booklet with alpha code 'A' starts with Qn. No. 1 of the Original question paper.
(1 - 100)**