

NATIONAL LAW UNIVERSITY, DELHI

B.A, LLB. (Hons.): III-YEAR, V-SEMESTER

End-Semester Examinations, December-2014

Paper 5.1: Jurisprudence-I

Time: 3.00 Hours

Total Marks: 50

Instructions:

1. Read the questions carefully and answer. All questions are compulsory.
2. No clarification shall be sought on the question paper.
3. Do not write anything on the question paper except your Roll No.

Part-A

- Q.1 The decade of 2310 is declared as the Decade of the Roman Revival. In light of this, all aspects of ancient Rome and its civilization (whether authentic or not) becomes idealized. The Latin language is revived, and everything Roman- from sandals, baths to philosophy- become fashionable.

Greciana is a small country that is economically downtrodden. It has suffered years of drought and has high levels of unemployment. Recognising the marketable potential of the fancy for the Roman trend, Greciana brands itself as a haven for Rome-themed getaways and vacations for the ultra rich. Its newly elected government builds a replica of the Colosseum (an amphitheatre in Rome that was the venue of public gatherings and also more violent sports). To take its tourism industry to the next level, Greciana passes the Colosseum Act that allows gladiatorial contests (where contenders fight each other till death) and also live public executions (where people are hanged/killed in public) to be conducted at the Colosseum. The Colosseum Act is duly passed after deliberations at the Parliament. It is publicly proclaimed and also is successfully applied without any mishaps.

The Colosseum Act is welcomed by the citizens of Greciana. The legislation itself is clearly drafted and has provisions to ensure that the participants in these live shows have provided informed consent and that their participation is truly voluntary and that they are not coerced into the same. The legislation also provides for handsome rewards for the champions as well as the families of the losing participants who would lose their lives.

The spectators pay an outrageously high entrance fee to witness these sports. This venture of Greciana proves highly successful and boosts its economy. Participants in these live sports: gladiator contests, as well as volunteers for public executions, are regarded as heroes and are revered by people. The democratic government spends the revenue earned from the Colosseum shows in furtherance of its people's development.

Caesar, a leading public intellectual of Greciana, is an opponent of the Colosseum Act. He believes that live shows of public executions and violent fights corrupt the people and their culture and wishes to challenge the legislation.

- a) Caesar wants to use Finnis's theory of natural law to challenge the legality of the Colosseum Act. Help him frame this argument. **(6 Marks)**
- b) The government of Greciana approaches you to respond to the challenge posed by Finnis's natural law. Critically engaging with the arguments above, defend the Colosseum Act. **(6 Marks)**

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- c) Caesar, a staunch naturalist, believes that Fuller's theory of inner morality can help challenge legality of the Colosseum Act. Explain the relationship between internal and external morality of law, and whether Fuller's theory can be used to challenge legality. **(6 Marks)**
- d) Caesar approaches the Supreme Court of Greciana to challenge the constitutionality of the Colosseum Act. The judges of the Supreme Court are strongly opposed to the Colosseum Act. However Greciana has an established tradition of utilitarianism and does not recognize fundamental rights (including the right to life) of its citizens. It is fundamentally a regime based on duties rather than individual rights. Applying Dworkinian method, how should the judges decide? **(6 Marks)**

Q.2 You represent the National Group for Judicial Discipline (JuDis) that believes that judicial discretion should be circumscribed and limited. JuDis is dismayed at the Indian courts' activism like in *Kesavananda Bharati v State of Kerala* where the judges routinely move beyond precedents and the text of the laws. JuDis is staunchly positivist and wants to develop a sound understanding of legal theory. Should JuDis adopt soft or hard positivism? Which of these brands of positivism would best serve its interests? **(6 Marks)**

Part-B

Q.3 The State of Globe gained independence in 1960. It has a transformative constitution dedicated to twin goals of social justice and individual rights and specifically provides, "subsistence shall be maintained." One of the most celebrated cases of its Supreme Court is *Kisan v. State of Globe* where the right to private property of individuals (especially agriculturists) was declared inalienable. Accordingly the Government could not acquire property of agriculturists without providing compensation of at least 30% above the market price.

Economic growth of Globe grew sluggish resulting in high rates of unemployment and slowing down of the State's development agenda. The government found that it needs to move away from an agrarian economy to an industrial economy in order to best pursue progress and development. The New Economic Policy of 1991 was adopted with the aim of liberalisation, disinvestment, deregulation and adoption of export oriented growth. To encourage setting up of industries, the Government wants to introduce a Property Acquisition Act (PAA) that declares that the State has the power of eminent domain i.e. the State can acquire private property for public purposes, upon providing nominal compensation below the market rate. It is further clarified that setting up of industry is a public purpose.

As a companion legislation to the PAA, the government also intends to introduce the Labour Amendment Act (LAA) in order to liberalize the erstwhile protectionist labour regime and encourage growth of industries as well as promote employment by removing constraints on hire and fire. There has been an established line of cases including *Mazdoor v. State* that have guaranteed sustainable living wage, security of employment (i.e. no hire and fire), and negotiations through trade unions. The LAA intends to make significant changes to the existing labour law by removing minimum wage requirements, allowing easy hire-and-fire and also outlawing trade unions in export oriented industries.

- a) You are a sociological jurist as well as member of the Parliament of Globe. Argue in favour of the two proposed legislations. **(5 Marks)**
- b) You are a critical legal thinker. Comment on the proposed changes to the law. **(5 Marks)**
- c) How would Hart and Fuller interpret the rule "subsistence shall be maintained." **(5 Marks)**
- d) Using the sociological realist perspective, how would you decide upon the constitutionality of these legislations (assuming that they have been enacted)? **(5 Marks)**

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B.A, LLB. (Hons.): III-YEAR, V-SEMESTER

End-Semester Examinations, December-2014

Paper 5.2: Constitutional Law-I

Time: 3.00 Hours

Total Marks: 50

Instructions:

1. Read the questions carefully and answer.
2. No clarification shall be sought on the question paper.
3. Do not write anything on the question paper except your Roll No.

Q.1 The issue of bar dancers in Mumbai has been of grave concern to Government of Maharashtra. In December 2002, a resolution was issued by the Home Department, Government of Maharashtra which said:

"It has come to notice that prostitution rackets are being run through pick up points in hotel establishments in which dance programmes are being conducted (Dance Bars) and that dance forms being presented therein are horrid and obscene and that criminals are being sheltered in such hotels. Such undesirable practices going on in hotel establishments have an adverse effect on society."

In August 2004, the Maharashtra State Commission for Women said:

"Number of rackets indulging into physical and financial exploitation of girls working in dance bars by forcibly bringing them into this profession are found to be increasing alarmingly. In the metropolis of Mumbai, the problems of the bar girls have acquired grave dimensions and have resulted even into death of many bar girls. These women are forcibly induced into prostitution leading to total destruction of their life."

In July 2005, the Maharashtra Legislative Assembly amended the Bombay Police Act, 1951 and inserted Sections 33A and 33B.

Section 33A provides:

- (a) holding of a performance of dance, of any kind or type, in any *í í* beer bar is prohibited;

S. 33B provides:

Subject to the other provisions of this Act, or any other law for the time being in force, nothing in section 33A shall apply to the holding of a dance performance in *í í* a three starred or above hotel or in any other establishment or class of establishments, which, having regard to (a) the tourism policy of the Central or State Government for promoting the tourism activities in the State; or (b) cultural activities, the State Government may, by special or general order, specify in this behalf.

Respond to the following:

- i. Give details of the equality argument that the **bar dancers** (and not the establishments) can raise to challenge the constitutionality of the above provisions. **(6 Marks)**
- ii. If S. 33B was deleted and S.33A was amended to read as follows:
(a) holding of a performance of dance, of any kind or type, in any commercial establishment is prohibited. Would the terms of the equality argument by the bar dancers change? Provide reasons for either response and if your position is that the equality argument would change, what would be the new terms of the equality argument? **(6 Marks)**
- iii. Would the above amendments to the legislation in (ii) affect the Article 19 and 21 arguments that the bar dancers can raise in this context? **(6 Marks)**

2. Internal choice ó **please answer only 2(A) OR 2(B)**

2(A). The Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013 was enacted with the following Statement of Objects and Reasons:

An Act to bring social awakening and awareness in the society and to create a healthy and safe social environment with a view to protect the common people in the society against the evil and sinister practices thriving on ignorance, and to combat and eradicate human sacrifice and other inhuman, evil, sinister and aghori practices propagated in the name of the so called supernatural or magical powers or evil spirits commonly known as black magic by conmen with sinister motive of exploiting the common people in the society and thereby destroying the very social fibre of the society; and for matters connected therewith or incidental thereto.

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In order to achieve the above aims, the Act ***criminalises*** certain activities and provides as following in Section 3(1) of the Act:

No person shall either himself or through any other person commit, promote, propagate or practice or cause to promote, propagate or practice human sacrifices and other inhuman, evil and *aghori* practices and black magic mentioned or described in the Schedule appended to this Act.

The criminal penalties are provided in Section 3(2) of the Act.

Section 2(1)(b) of the Act provides: "human sacrifice and other inhuman, evil and aghori practices and black magic" means the commission of any act, mentioned or described in the Schedule appended to this Act, by any person by himself or caused to be committed through or by instigating any other person (See the attached Schedule)

Section 2(1)(d) of the Act defines "propagate" as: issuance or publication of advertisement, literature, article, or book relating to or about human sacrifices and other inhuman, evil and *aghori* practices and black magic and includes any form of direct or indirect help, abatement, participation or cooperation with regard to human sacrifices and other inhuman, evil and *aghori* practices and black magic.

Respond to the following question:

Provide details of the free speech arguments that can be raised under Article 19(1)(a) read with Article 19(2) to challenge the constitutionality of Section 3(1). Also, provide the details of the possible responses from the State. **(8 Marks)**

2(B). As far as adjudication of discrimination claims are concerned, what are the constitutional implications of the Supreme Court having developed the "arbitrariness test" under Article 14 in *Royappa*? What drawbacks of the classification test does it address and what are the new concerns it gives rise to in the context of adjudicating discrimination claims? **(8 Marks)**

Q.3 The 117th Constitution Amendment Act 2012 as ***introduced*** in the Rajya Sabha to replace Article 16(4A) reads as follows:

(4A) Notwithstanding anything contained elsewhere in the Constitution, the Scheduled Castes and the Scheduled Tribes notified under article 341 and article 342, respectively, shall be deemed to be backward and nothing in this article or in article 335 shall prevent the State from making any provision for reservation in matters of promotions, with consequential seniority, to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes to the extent of the percentage of reservation provided to the Scheduled Castes and the Scheduled Tribes in the services of the State.

However, the 117th Constitution Amendment Act 2012 as ***passed*** by the Rajya Sabha reads as follows:

(4A) Notwithstanding anything contained elsewhere in the Constitution, the Scheduled Castes and the Scheduled Tribes notified under article 341 and article 342, respectively, shall be deemed to be backward and nothing in this article shall prevent the State from making any provision for reservation in matters of promotions, with consequential seniority, to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes to the extent of the percentage of reservation provided to the Scheduled Castes and the Scheduled Tribes in the services of the State.

Discuss the constitutional validity of the two drafts based on the materials considered in the module on affirmative action. **(12 Marks)**

Q.4 While highlighting the paradigm shift that was brought in by *Maneka Gandhi v. Union of India* in understanding the content of Article 21 and the relationship between Articles 14, 19 and 21, critically discuss the unresolved constitutional concerns that *Maneka Gandhi* leaves us with. **(12 Marks)**

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End-Semester Examinations, December-2014

Paper 5.3: Administrative Law

Time: 3.00 Hours

Total Marks: 50

Instructions:

1. Read the questions carefully and answer.
2. No clarification shall be sought on the question paper.
3. Do not write anything on the question paper except your Roll No.

Answer ALL the questions.

Q.1 Discuss the concept of Delegated Legislation in India. What are the various control mechanisms of delegated legislation? Discuss in light of the decided cases. **(10 Marks)**

Q.2 Mr. Rajesh was appointed as a Constable in the Delhi Police (controlled by the Central Act) on 10th February, 1988 and promoted to the post of Head Constable vide order dated 5th May, 1988. He was posted with 30th Battalion Rohini New Delhi in year 2005. On 29th September, 2007, Mr. Rajesh was on duty as Guard Commander along with another Head Constable named Rama. At around 6.20 PM, the plaintiff left his post and came back after 30 minutes after having tea and medicine in the canteen. His departure from his post was duly recorded in the register maintained for the purpose by the other guard, Head Constable Rama. Sub Inspector Ram Singh, Duty Inspector, endorsed his comments in respect of the plaintiff's absence for the period of 30 minutes and placed it before the Commandant on 3rd October, 2007. An inquiry was conducted. A notice was sent to him followed by a publication in the Times of India. However, the plaintiff did not participate in the enquiry proceedings. The enquiry was preceded ex parte. The Inquiry Officer submitted his report on 5.0.2007 imposed the punishment of 10 days punishment drill. Upon protest by the plaintiff, the Commandant enhanced the punishment to 10 days confinement in a cell. The plaintiff refused to serve the punishment being not acceptable to him.

Refusal to serve, the punishment so imposed, by the plaintiff was considered to be a serious act of indiscipline and he was placed under suspension. The plaintiff was served with a charge sheet dated 2nd December, 2008 indicating that an enquiry was to be held against him. The plaintiff submitted his reply to the said charge sheet on 11th December, 2008. The inquiry officer concluded the enquiry and submitted the report on 28th March, 2009 with the finding that the plaintiff was guilty of misconduct and disobedience and recommended his removal from service. Appeal of the plaintiff was also rejected by the Appellate Authority of the Department on 12th April, 2009. On 17th June, 2009 he was removed from the post. On 21st November, 2010 the plaintiff filed an application before the High Court, Delhi, where he resides.

Mr. Meet Singh, learned Counsel appearing for the Delhi Police challenged the maintainability of the on the grounds of jurisdiction and limitation. He contended that dismissed employee cannot approach the High Court as he lacks locus standi. He further contended that the plaintiff had been the member of a disciplined force, indiscipline therein, amounts to a very serious misconduct. Once the charge of absence and further charge of disobedience stood proved after adhering to due process, the matter does not deserve to be considered by the Court.

Shri Naman Ray, learned Counsel appearing for the plaintiff argued that the application is maintainable and absence from duty for 30 minutes on 29th September, 2007 was bonafide and permissible under Rule 21 of the Guard and Escort Rules, however, not obeying the order of punishment was not a case of gross indiscipline, thus, order of termination of his services was unjustified. He urged that plaintiff's past conduct had never been the part of the charge sheet or the show cause notice; nor had the plaintiff ever been informed that his past conduct was likely to be considered at the time of passing the order of punishment. He also argued that the plaintiff's protest against such an arbitrary imposition of punishment could not be the ground for enhancing the punishment to 10 days confinement in a cell; depriving him of his personal liberty was totally unwarranted and uncalled for. He further added that the plaintiff was mentally disturbed by such illegal action, because he is only source of livelihood for the family. Frame issues and decide the dispute. Support your decision with relevant decided cases. **(10 Marks)**

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- Q.3 What are the various modes and grounds of Judicial review of an administrative action in India. Discuss in light of decided cases. **(10 Marks)**
- Q.4 Write short notes on the followings:
- i. The Scope of Commissions of Inquiry Act, 1952 **(5 Marks)**
 - ii. Draft an RTI application under the RTI Act 205, which must include all the rights available under the Act. **(5 Marks)**
- Q.5 The State Government of Rajasthan, under authorization from the State Statute of 2011, by notification in the official Gazette of the State, for the employees of Department of Law and Justice, has created some additional posts under Career Advancement Scheme. Notification for selection of two additional officers from the employees of the Department was issued by the State. Mr. Rahim, Mr. Ram and Mr. John submitted their applications in accordance with the notification. All the applicants were interviewed by a competent selection committee. Mr. Rahim and Mr. Ram were recommended for the promotion but Mr. John was not considered for the promotion on the ground that he has been assessed as 'Good' during the Annual Confidential Report of 2010, whereas he was supposed to have 'Very Good' Category of the ACR of 2010. Having failed to get promoted, Mr. John submits a letter of request to the Chief Executive Officer, alleging that he was not informed about his ACR of 2010 and was also not given any opportunity to defend himself in case of such ACR. He further contests that he was expecting 'Very Good' category of the ACR in 2010. He also requests the CEO to revise his ACR from Good to Very Good and consider his name for the promotion. The Department submits that the 'Good' category of ACR is a positive category of ACR; therefore there was no necessity for issuing notice for seeking any explanation from him. As on date, candidates selected for the promotion have not resumed their offices on promotion.

List out the nature administrative actions involved in the factual matrix of the given incident and the Procedural requirements of Due process. Give reasons and support your justifications with relevant case law. **(10 Marks)**

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B.A, LLB. (Hons.): III-YEAR, V-SEMESTER

End-Semester Examinations, December-2014

Paper 5.4: CPC & Law of Limitation

Time: 3.00 Hours

Total Marks: 50

Instructions:

1. Read the questions carefully and answer. All questions are compulsory.
 2. No clarification shall be sought on the question paper.
 3. Do not write anything on the question paper except your Roll No.
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Q.1 Discuss the validity of the following decree/orders of the civil courts: **(5 X 2 = 10 Marks)**

- a) Decree passed against a minor in a suit in which he is not represented by a guardian *ad litem*.
- b) Court exercises its inherent powers to order joint trial of suits.
- c) Suit to enforce right of a Purdanasheen lady to observe Purda is held by a trial court as suit of civil nature
- d) Second appeal is admitted in case of an *ex parte* decree.
- e) Court granting anti suit injunction in case of exclusive jurisdiction clause.

Q.2 Answer the following questions with the help of relevant provisions of law and cases: **(5 X 4 = 20 Marks)**

- a) A sues B on a Bill of Exchange. B alleges that A has wrongfully neglected to insure B's goods and is liable to him in compensation which he claims to set-off. Can the amount be set-off? Is there any other remedy available to him? Discuss.
- b) A filed a suit for declaration of partnership and accounts against B in Delhi. A came to know that B is contemplating to go to USA and hence thinking of selling his property and also has moved goods and assets of the business establishment to Chennai where his parental house is situated. Advise A as to what he should do in these circumstances.
- c) After the dismissal of his appeal, A finds a document which may conclusively establish his case against B. Can A ask the trial court to review its judgment? Does A have any other remedy?
- d) An application for an injunction is made under Order XXXIX; Rule I and interim injunction is granted. The court vacates the order at the instance of the defendant but is of the view that the circumstances warrant the appointment of a receiver. Is the court entitled to do so in the application for an injunction in the absence of a separate application for the appointment of a receiver?
- e) A the plaintiff, knew about the whereabouts of B, the defendant and in spite of that fact, A applied to the court for an order for substituted service by alleging that B had been deliberately avoiding service. Will the court pass an order for substituted service? How can be properly served?

Q.3 What do you understand by the bar of limitation? How legal disability can extend the bar of limitation under the Limitation Act of 1963 in respect of persons suffering from legal disability and their legal representatives? Explain with the help of relevant provisions of law and cases. **(5 Marks)**

Q.4 Write short notes on: **(5 X 3 = 15 Marks)**

- a) Civil suit abates only if the right to sue does not survive
- b) Difference between a regular civil suit and an interpleader suit
- c) Difference between limitation and prescription
- d) Conditional and unconditional leave to defend in a summary suit
- e) Section 80, CPC, its relevance and opinion of the Law Commission of India

NATIONAL LAW UNIVERSITY, DELHI

B.A, LLB. (Hons.): III-YEAR, V-SEMESTER

End-Semester Examinations, December-2014

Paper 5.5: Law of Evidence

Time: 3.00 Hours

Total Marks: 50

Instructions:

1. Read the questions carefully and answer.
2. No clarification shall be sought on the question paper.
3. Do not write anything on the question paper except your Roll No.

Answer ALL the questions.
PART-I

- Q.1 Point out the value and significance of: **(3X3=9 Marks)**
- a) F.S.L report in murder and rape cases.
 - b) M.L.R and P.M.R in hurt and unnatural death cases.
 - c) Accomplice evidence
- Q.2a) Point out the distinction between "Primary Evidence" and "Secondary Evidence"? **(3 Marks)**
- b) Is a child competent witness? What precautions are required to be taken by the court while recording the statement of a child witness? **(2 Marks)**
 - c) A is accused before the Court of Session of attempting to murder a police officer whilst his trial before B, a Sessions Judge. Can B be compelled to answer as to what occurred in his presence? **(2 Marks)**
- Q.3 On when burden of proof lies in the following cases, refer to the relevant provisions: **(3X2=6 Marks)**
- a) A sues B for money due on a bond. The execution of the bond is admitted, but B says that it was obtained by fraud which A denies.
 - b) A, accused of murder, alleges that by reason of unsoundness of mind, he did not know the nature of the act.
 - c) A is charged with travelling in a railway without a ticket.
- Q4. a) What lawful questions can be asked during cross examination of witness? **(3 Marks)**
- b) Frame any four leading questions. **(2 Marks)**
 - c) A intentionally and falsely leads B to believe that certain land belongs to A and thereby induces B to buy and pay for it. The land afterwards becomes the property of A and now A seeks to set aside the sale on the ground that at the time of the sale, he had no title.
- Can he be allowed to prove his want of title? Give reasons after referring to the relevant provisions of Indian Evidence Act, 1872. **(2 Marks)**
- Q5. a) How the contents of electronic records can be proved in the court? Is print out of a computer a primary document? Refer to the relevant case laws.
- b) If genuineness of the contents of original electronic record is in question, how it can be proved under the Indian Evidence Act? Refer to the relevant case laws. **(3X2=6 Marks)**

PART-II

- Q.6 Multiple choice questions from 1 to 30. Please mention the correct response in the answer sheet.
- 6.1 A is prosecuted for the murder of B. The prosecution adduces various evidences regarding A of his previous bad character. The evidence:
- a) Is admissible against A
 - b) Is not admissible against A
 - c) Is relevant and admissible against A
 - d) Is not relevant but admissible against A

- 6.2 All facts except the contents of the document or electronic records:
- May be proved by circumstantial evidence
 - May not be proved by circumstantial evidence
 - Must be proved by circumstantial evidence
 - Must be proved by hear say evidence.
- 6.3 Amit agrees in writing to sell his car to Monica for Rs.60, 000 or Rs.75, 000. In order to show which price is to be given by Monica to Amit:
- Oral evidence may be given
 - Oral evidence cannot be given
 - Oral evidence may be given if it is not hearsay
 - Oral evidence may be given if it is not the evidence of a dumb witness
- 6.4 Atul sells to Shweta by deed, ömy house in Dehradunö. Atul had no house in Dehradun, but it appears that he had a house at Mussoorie of which Shweta had been in possession since the execution of the deed. In order to show that the deed related to the house of Mussoorie, these facts:
- May be proved
 - May not be proved
 - May be proved only when Atul has no provisions bad character
 - May be proved only when Shweta has no previous bad character
- 6.5 Doctrine of ÆEstoppelÆ is based on the principle that:
- No one should be vexed twice for the same cause of action.
 - No one should be allowed to take benefit of his own fraud
 - There should be end to litigation
 - Nothing new should be introduced during litigation
- 6.6 ÆAÆ desires a Court to give a judgment that he is entitled to certain land in the possession of ÆBÆ by reason of facts which he asserts, and which ÆBÆ denies to be true:
- ÆAÆ must prove the existence of those facts
 - ÆBÆ must prove the existence of those facts
 - Either ÆAÆ or ÆBÆ must prove the existence of those facts
 - Neither ÆAÆ nor ÆBÆ is required to prove those facts
- 6.7 Presumption as to Dowry death given in section 113 B is an example of:
- May presumes
 - Shall presume
 - Conclusive proof
 - All above
- 6.8 The relevant periods provided by section 107 and 108 of Indian evidence Act, 1872 are:
- Twenty years and Twelve years
 - Thirty years and fourteen years
 - Thirty years and seven years
 - Twenty years and Ten years
- 6.9 If a man refuses to answer a question which he is not compelled to answer by law:
- The court may presumes that if he had given the answer, the answer would have been favourable to him
 - The court shall presume that if he had given the answer, the answer would have been unfavourable to him
 - The court shall presume that if he had given the answer, the answer would have been favourable to him
 - The court may presume that if he had given the answer, the answer would have been unfavourable to him
- 6.10 ÆAÆ wishes to prove, by secondary evidence, the contents of a lost document. In this case:
- Owner of the document must prove that document has been lost
 - ÆAÆ must prove that the document has been lost
 - The person against whom ÆAÆ has filed the suit or proceeding must prove that the document has been lost
 - Government pleader must prove that the document has been lost

- 6.11 A client says to B an advocate- I have committed forgery and I wish you to defend me. This Communication is:
- Protected from disclosure under section 122
 - Not protected from disclosure under section 122
 - Protected from disclosure under 126
 - Not protected from disclosure under section 126
- 6.12 A says to his wife B that he has murdered C. The communication made by A to B is:
- Protected from disclosure under section 122
 - Not protected from disclosure under section 126
 - Not protected from disclosure under section 122
 - Protected from disclosure under section 123
- 6.13 A sees her husband committing murder of B. The husband is prosecuted for the murder of B. During trial A gives evidence against her husband. The evidence is:
- Admissible against husband
 - Not admissible against husband
 - Admissible against husband only when given with the consent of husband
 - Admissible only when given with the consent of deceased
- 6.14 Who among the following is a competent witness?
- A child below 7 years of age
 - A lunatic
 - An accomplice
 - All above are competent witness if they understand the question put to them and give rational answer to questions put to them
- 6.15 Which of the following sections deal with the law relating to evidence of a Dumb witness?
- Section 115
 - Section 118
 - Section 119
 - All above
- 6.16 How many witnesses are required in order to prove a fact in a case?
- At least three witnesses
 - More than three witnesses
 - At least five witnesses
 - No particular number of witness are required
- 6.17 Which of the following statements are correct?
- In criminal proceeding against any person, the husband or wife of such person, shall be a competent witness.
 - In all civil proceedings, the parties to the suit, and the husband or wife of any party to the suit, shall be a competent witness
 - Both (a) and (b) are correct
 - Neither (a) nor (b) is correct
- 6.18 The examination of a witness by the adverse party shall be called:
- Re-examination
 - Cross examination
 - Examination in chief
 - All above
- 6.19 Question which suggests the answer of the question is called:
- Direct question
 - Leading question
 - Misleading question
 - Confusing question

- 6.20 The rule that ~~Leading Questions~~ may be asked in cross-examination has been incorporated in:
- Section 115 of Indian Evidence Act
 - Section 101 of Indian Evidence Act
 - Section 121 of Indian Evidence Act
 - Section 143 of Indian Evidence Act
- 6.21 Previous statement of a witness may be used for:
- Contradict him under section 145 of Evidence Act
 - Contradicting him under section 154 of Evidence Act
 - Contradict him under section 157 of Evidence Act
 - Contradict him under section 126 of Evidence Act
- 6.22 Section 137 gives the definition of the term:
- Examination in chief
 - Cross-Examination
 - Re-examination
 - All Above
- 6.23 According to section 138, which of the following in the order of examination of witness?
- Cross Examination, Re-examination and examination-in-chief
 - Examination-in-chief, Re-examination and Cross-examination
 - Examination-in-chief, cross examination and re-examination
 - Re-examination, cross-examination and examination-in-chief
- 6.24 The court shall permit ~~Leading Questions~~ in Examination-in-chief or Re-examination as to matters:
- Introductory in nature
 - Undisputed
 - Already sufficiently proved in the opinion of court
 - All above
- 6.25 Former or previous statement of a witness can be used for:
- Corroboration under section 144
 - Corroboration under section 145
 - Corroboration under section 157
 - Corroboration under section 157
- 6.26 A question is said to be lawful in cross-examination if it tends to:
- Test the veracity of a witness
 - Discover who is (witness) and what is his position in life
 - Shake the credit of a witness by injuring his character
 - All above are correct
- 6.27 The examination, after the cross-examination of a witness by the party who has called him, is known as:
- Additional cross-examination
 - Re-cross examination
 - Ad-hoc cross examination
 - Re-examination
- 6.28 A person summoned to produce a document, when produces the document then:
- He becomes a witness
 - He can be cross-examined by the party concerned because he becomes a witness
 - He does not become a witness and cannot be cross-examined unless and until he is called as a witness
 - None of the above is correct proportion of law
- 6.29 Hostile witness is a witness:
- Who has been host of either party of the case
 - Who supports the case of his party blindly
 - Who does not support the case of his own party
 - Who does not support the First Information Report recorded under section 154
- 6.30 The rule that there shall be no new trial for improper admission or rejection of evidence has been incorporated in:
- Section 67 of Indian Evidence Act
 - Section 167 of Indian Evidence Act
 - Section 45 of Indian Evidence Act
 - Section 145 of Indian Evidence Act