

B.A. LL.B (Hons.) DEGREE FIFTH SEMESTER EXAMINATION, NOVEMBER 2022

LAW OF EVIDENCE

Time: 3 Hours

Maximum Marks: 50

Answer ANY FIVE of the following. Each question carries TEN marks

(5x 10 = 50)

- I. Discuss the scope of spontaneity and contemporaneity as the tests for determining “facts forming part of the same transaction”.
- II. Elaborate on the rules regarding extra-judicial confessions as provided under the Indian Evidence Act.
- III. “Irrespective of how competent and qualified experts are, their statements are regarded only as opinions and not readily as evidence” Elucidate.
- IV. “Documentary evidence should always be primary, but circumstances may necessitate and permit production of secondary evidence”. Do you agree? Substantiate.
- V. What constitutes oral evidence? Describe the rules regarding admissibility of oral evidence.
- VI. Do you feel that the rule regarding presumption of legitimacy of children is outdated and unscientific? Substantiate with the aid of caselaw.
- VII. Write short notes on ANY TWO of the following:
 - (a) Certified copies, their admissibility and presumptions regarding certified copies.
 - (b) Relevancy of judgements.
 - (c) Rules regarding cross examination of witnesses.
- VIII. A, who was brutally attacked and raped by certain people was seriously injured and admitted to a hospital. While at the hospital, A, fearing that she may not get another opportunity to let the world know about the truth behind her attack, calls B her brother and tells him that it was X, Y and Z who had attacked and raped her. A later dies during her stay at the hospital two days later due to her extremely fragile condition as a result of the attack and rape. B is attacked by some people a day after A’s death and is seriously injured. While on his deathbed, B calls C, his neighbour and tells him that he was attacked by X, Y, Z, P and Q and also tells C about A’s dying declaration. The prosecution wants to rely on C’s testimony for proving both dying declarations. Decide.
