BLOGS

MCQs on Bharatiya Suraksha Adhiniyam

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1. Which of the following is no longer valid after the enactment of the Bharatiya Sakshya Adhiniyam (BSA)?

a. The doctrine of “dying declaration.”
b. Presumptions under the Evidence Act of 1872.
c. Concept of primary and secondary evidence.
d. Witness competency of accomplice.

Answer: c. Concept of primary and secondary evidence.
Explanation: Under BSA, many categories of evidence have been reformed; traditional classifications like “primary” vs “secondary” evidence (as in Evidence Act 1872) are abolished or replaced by broader admissibility criteria.

2. Under BSA, which section deals with electronic records and their admissibility?

a. Section 65B (same as old law)
b. New provisions replacing 65B under a new clause.
c. Admissibility only if mirrored by paper document.
d. Electronic records are not admissible.

Answer: b. New provisions replacing 65B under a new clause.
Explanation: BSA has replaced or re-framed the law governing electronic records; the old Section 65B is repealed, and new criteria are set under BSA for authenticity, integrity and chain of custody.

3. Under the BSA, which statement is TRUE about confessions?

a. Confession made to a police officer is always inadmissible.
b. Confession to a person in authority but not police officer is admissible only if corroborated.
c. Confession must be voluntary and without inducement, threat or promise; otherwise inadmissible.
d. All confessions are admissible if recorded in the presence of a magistrate.

Answer: c. Confession must be voluntary and without inducement, threat or promise; otherwise inadmissible.
Explanation: BSA retains requirement of voluntariness for confessions; any confession resulting from threat, inducement or promise is not admissible.

4. Under BSA, the right against self-incrimination is guaranteed by which constitutional article(s)?

a. Article 20(3) only.
b. Article 21 only.
c. Both Article 20(3) and Article 21.
d. Article 19(1)(d) and Article 20(3).

Answer: c. Both Article 20(3) and Article 21.
Explanation: The right against self-incrimination is constitutionally protected under Article 20(3) and is part of due process under Article 21, as interpreted in precedents.

5. Which of the following best describes the doctrine of Res Gestae under BSA?

a. Any statement made after the event is always relevant.
b. Statements forming part of the same transaction and proximate in time and cause are relevant even if hearsay.
c. Only statements made immediately after the act are admissible; a long delay disqualifies.
d. Res Gestae is abolished altogether under BSA.

Answer: b. Statements forming part of the same transaction and proximate in time and cause are relevant even if hearsay.
Explanation: BSA retains the principle of Res Gestae: those statements which are so connected with the act or transaction that they form part of the same, and help explain or throw light on facts in issue.

6. Which of the following is not a presumption under BSA?

a. Presumption of innocence until proved guilty.
b. Presumption as to ownership from possession.
c. Presumption of mens rea in strict liability offences.
d. Presumption of continuity of state of things.

Answer: c. Presumption of mens rea in strict liability offences.

Explanation: Strict liability offences do not require mens rea; BSA does not create a presumption that mens rea is present for those.

7. In BSA, what is required for a document to be proved by "production of a counterpart"?

a. Both originals must be produced.

b. Only one counterpart is required if the counterpart bears digital signature of other.

c. A counterpart can be used when original is unavailable if authenticated and proof of execution is shown.

d. Counterparts are inadmissible; only originals permitted.

Answer: c. A counterpart can be used when original is unavailable if authenticated and proof of execution is shown.

Explanation: BSA allows admission of counterparts in certain circumstances where originals are not available, subject to proof of authenticity.

8. Under BSA, which of these is TRUE about expert evidence?

a. Expert evidence is per se binding on courts.

b. Expert evidence must be disclosed in advance; cross-examination must be allowed.

c. Expert opinion may be based on hearsay without verification.

d. Non-expert courts can substitute their own opinion if expert's view is flawed without hearing the expert.

Answer: b. Expert evidence must be disclosed in advance; cross-examination must be allowed.

Explanation: BSA strengthens procedural fairness: experts' reports/opinions must be disclosed, examined, and adversarial process allowed.

9. Which constitutional safeguard ensures evidence gathered in violation of fundamental rights is inadmissible under BSA?

a. Article 14 (Equality before law) only.

b. Article 20 (Protection in respect of conviction for offences) only.

c. Articles 20 & 21 together.

d. No such safeguard; admissibility rules are separate from constitutional rights.

Answer: c. Articles 20 & 21 together.

Explanation: Evidence got by violating right to life & liberty (Art 21) or procedural safeguards in criminal law (Articles 20) is subject to exclusion under BSA insofar as they infringe fundamental rights.

10. Under BSA, how is "relevance" of a fact determined?

a. Only by whether it is a fact in issue.

b. If it has any tendency to make existence of fact in issue more or less probable.

c. If it relates by cause, effect, or situation, regardless of its probative value.

d. All facts known only to the accused are irrelevant.

Answer: b. If it has any tendency to make existence of fact in issue more or less probable.

Explanation: BSA follows a modern approach of relevance: facts which render any fact in issue more probable or less probable are relevant; mere knowledge to the accused does not make it irrelevant automatically.