BLOGS

Questions on Bharatiya Sakshya Adhiniyam (BSA) for CLAT PG

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1. Under the Bharatiya Sakshya Adhiniyam, 2023, which of the following best describes the principle of "Best Evidence Rule"?

A) The party must produce the strongest possible evidence available.
B) The party must produce the original document unless exceptional circumstances exist.
C) The party can submit any evidence as long as it is relevant.
D) The court is bound to accept secondary evidence if primary evidence is not available.

Correct Answer: B) The party must produce the original document unless exceptional circumstances exist.

Explanation: The Best Evidence Rule ensures that the original document is produced in court unless it is lost, destroyed, or otherwise unobtainable. The Bharatiya Sakshya Adhiniyam, 2023, follows this principle to maintain the integrity and accuracy of documentary evidence.

2. Which of the following statements regarding electronic records is true under the Bharatiya Sakshya Adhiniyam, 2023?

A) Electronic records are admissible only if printed and signed.
B) Electronic records are admissible only if notarized.
C) Electronic records are admissible if their authenticity and integrity can be proven.
D) Electronic records are always inadmissible due to the risk of tampering.

Correct Answer: C) Electronic records are admissible if their authenticity and integrity can be proven.

Explanation: The Bharatiya Sakshya Adhiniyam, 2023, provides for the admissibility of electronic records as evidence, subject to proving their authenticity and integrity. This ensures that digital evidence is treated with the same credibility as traditional evidence.

3. Which section of the Bharatiya Sakshya Adhiniyam, 2023, deals with the admissibility of electronic records?

A) Section 62

B) Section 65B

C) Section 75A

D) Section 80

Correct Answer: B) Section 65B

Explanation: Section 65B of the Bharatiya Sakshya Adhiniyam, 2023, lays down conditions for admitting electronic records as evidence. It states that electronic records are admissible only when a certificate of authenticity is provided under Section 65B(4).

4. Under the Bharatiya Sakshya Adhiniyam, which of the following is NOT a recognized type of secondary evidence?

A) Certified copies of original documents

B) Copies made from an original by a mechanical process

C) Oral accounts of a document's content given by someone who has seen it

D) Handwritten notes describing the contents of an original document

Correct Answer: D) Handwritten notes describing the contents of an original document

Explanation: Under the Act, secondary evidence includes certified copies, mechanical reproductions, and oral accounts given by someone who has directly seen the document. However, handwritten notes about a document are not considered reliable secondary evidence.

5. The doctrine of Estoppel under the Bharatiya Sakshya Adhiniyam prevents a person from:

A) Filing multiple cases for the same cause of action

B) Denying a fact that they have previously stated as true

C) Using electronic records as evidence without certification

D) Relying on oral evidence when documentary evidence is available

Correct Answer: B) Denying a fact that they have previously stated as true

Explanation: Estoppel prevents a person from going back on their earlier statements or representations if another party has relied upon them. It is based on the principle that a person

should not be allowed to deny facts they have already admitted.

6. Which of the following is not a requirement for an electronic record to be considered valid evidence under Bharatiya Sakshya Adhiniyam?

A) It must be relevant to the case.
B) It must be in its original digital form.
C) It must be accompanied by a Section 65B certificate.
D) It must be printed on paper and signed by the creator.

Correct Answer: D) It must be printed on paper and signed by the creator.

Explanation: Electronic records do not need to be printed and signed to be admissible in court. However, they must be relevant, authentic, and accompanied by a Section 65B certificate to ensure their reliability.

7. Under Bharatiya Sakshya Adhiniyam, which statement about expert opinions is correct?

A) Expert opinions are always binding on the court.
B) Expert opinions can only be given in scientific and medical cases.
C) Expert opinions are admissible but not binding on the court.
D) Expert opinions are admissible only if provided in writing.

Correct Answer: C) Expert opinions are admissible but not binding on the court.

Explanation: While expert opinions are admissible under the Act, they do not bind the court. The judge may accept or reject the expert's view based on the facts and circumstances of the case.

8. Under the Bharatiya Sakshya Adhiniyam, when can hearsay evidence be admitted in court?

A) Never, as hearsay is always inadmissible.
B) If it falls under an exception such as dying declarations.
C) Only if the original speaker testifies.
D) Only in cases involving electronic evidence.

Correct Answer: B) If it falls under an exception such as dying declarations.

Explanation: Hearsay evidence is generally inadmissible, but there are exceptions, such as dying declarations, admissions, confessions, and statements in the course of business.

9. Which of the following is a key presumption under the Bharatiya Sakshya Adhiniyam regarding public documents?

A) All public documents are considered false unless verified.
B) Public documents do not require further proof unless challenged.
C) Public documents must be authenticated by private individuals.
D) Public documents are inadmissible unless notarized.

Correct Answer: B) Public documents do not require further proof unless challenged.

Explanation: Public documents (such as government records) are presumed to be authentic and true unless challenged by the opposing party. This simplifies the proof process for official records.

10. Under the Bharatiya Sakshya Adhiniyam, a confession made to a police officer is:

A) Always admissible as evidence.
B) Inadmissible unless made voluntarily in court.
C) Admissible if recorded in writing.
D) Only admissible in cases of serious offences.

Correct Answer: B) Inadmissible unless made voluntarily in court.

Explanation: A confession made to a police officer is inadmissible under the Bharatiya Sakshya Adhiniyam, as it may be influenced by coercion. Confessions are admissible only if made voluntarily before a magistrate.