BLOGS

Sectional Test on Documentary Evidence for CLAT PG

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Documentary evidence is defined as evidence introduced in legal proceedings in the form of documents. It is defined under section 3 of the Indian Evidence Act, 1872. There are 2 types of documentary evidence such as primary evidence and secondary evidence.

When it comes to documentary evidence, primary evidence is given more preference under the 'Best Evidence Rule'. Moreover they are also categorised as public documents and private documents under section 74 and section 5 of Indian Evidence Act, 1872 respectively.

With the enactment of BSA, 2023 electronic evidence has been incorporated as a form of documentary evidence. Thus, reflecting the digital landscape of the Indian judicial system.

Questions

1. Which section of Indian Evidence Act, 1872 defines 'Document'?

a. Section 29

b. Section 61

c. Section 3

d. Section 2

2. What does the rule of 'Best Evidence' mean when it comes to documentary evidence?

a. The reliable document needs to be produced

b. Only original document is admissible

c. Secondary evidence is never admissible

d. Oral evidence is more important than documentary evidence

3. When does the secondary evidence of a document can be given when it comes to section 65 of the Indian Evidence Act, 1872?

a. The original document is in the possession of the opponent he who refuses to produce it even after notice

b. When the original copy is lost and there exists no extra copy of it

c. All of the Above

d. None of the Above

4. The concept of 'certified copy' is defined under which section of Indian Evidence Act, 1872?

a. Section 76

b. Section 77

c. All of the Above

d. None of the Above

5. Which of the following is not a public document as per section 74 of the Indian Evidence Act, 1872?

a. Registered sale deed between private parties

b. Documents of Municipal Corporation

c. Records of Courts

d. Legislations

6. When do the attested documents are required to be proved under the Indian Evidence Act, 1872?

a. To call the attested witnesses

b. To call the party who executed the document

c. To produce a certified copy

d. To call at least one attested witness

7. What is discussed under section 67 of the Indian Evidence Act, 1872?

a. There is a requirement of proof of signature and handwriting of a person who is dead

b. There is a requirement of proof of execution of documents which is not required by law to be attested

c. There is a requirement of proof of documents by attesting witnesses

d. There is a requirement for the admission of the documents

8. What is the meaning of "Falsa Demonstratio Non Nocet" in context with documentary evidence?

a. False information cannot invalidate a document if the subject is sufficiently identified

b. Extrinsic evidence cannot contradict a document

c. False document cannot be used as evidence

d. A forged document is void ab initio

9. Oral evidence cannot contradict a written contract as per section 91 of Indian Evidence Act, 1872? What is the exception to the above mentioned section?

a. Contract is void

b. Document is unregistered

c. The consideration is mentioned incorrectly

d. There exists latent ambiguity in the document

10. What is the meaning of "presumption as to documents" as per section 90 of Indian Evidence Act, 1872?

a. The court will presume such a document as 30 years old and was in proper custody and was duly executed and attested

b. The document is 30 years old and it requires no proof of attestation

c. It applies to both public and private documents

d. None of the Above

11. What was decided in the case of R.V.E. Venkatachala Gounder v. Arulmigu Viswesaraswami Temple?

a. Oral evidence is more important than documentary evidence\

b. Unregistered documents are not admissible in court of law

c. Secondary evidence can be used without notice

d. Documents needs to be read and exhibited before being read in evidence

12. What is the essence of section 85 of Indian Evidence Act, 1872?

a. Registered document needs to be duly registered

b. Power of Attorney needs to be executed and authorized by the Notary officer

c. Court order is signed by a competent judge

d. None of the Above

13. What is the difference between section 91 and 92 of Indian Evidence Act, 1872?

a. Section 91 excludes oral evidence between strangers whereas section 92 applies between parties

b. Section 91 excludes oral evidence when it comes to written document whereas section 92 bars oral evidence from a document between parties

c. Both sections apply to documents and not contracts

d. Section 91 applies to public documents and section 92 applies to private documents

14. What does it mean when an unstamped instrument is registrable under the registration act, 1908?

a. It is admissible with court's permission

b. It is inadmissible

c. It is admissible as a collateral fact

d. It is admissible after the payment of stamp duty

15. Which section of Bhartiya Sakshya Adhiniyam (BSA), 2023 defines electronic records?

a. Section 63

b. Section 65B

c. Both of the Above

d. None of the Above

Answers

1. Option c
2. Option a
3. Option c
4. Option c
5. Option a
6. Option d
7. Option b
8. Option a
9. Option d
10. Option a
11. Option d
12. Option b
13. Option b
14. Option b

15. Option c