OBJECTIVE SAMPLE QUESTIONS ON THE INDIAN EVIDENCE ACT [1ST SET]

Choose the correct answer from the options given under a question

1. **Indian Evidence Act was drafted by**
   (a) Lord Macaulay
   (b) Sir James F. Stephen
   (c) Huxley
   (d) Sir Henry Summer Maine.
2. The law of evidence consists of
   (a) ordinary rules of reasoning
   (b) legal rules of evidence
   (c) rules of logic
   (d) all the above.
3. Relevancy and admissibility under the Indian Evidence Act are
   (a) synonymous
   (b) co-extensive
   (c) neither synonymous nor co-extensive
   (d) synonymous & co-extensive both.
4. 'Self-regarding' statements
   (a) can be self-serving statements
   (b) can be self-harming statements
   (c) can be self-serving or self-harming
   (d) none of the above.
5. What is correct as regards the admissibility of self-regarding statements
   (a) self-harming statement is admissible but a self-serving statement is not generally admissible
   (b) self-serving statement is admissible but a self-harming statement is not generally admissible
   (c) self-serving and self-harming statements both are generally admissible
   (d) self-serving and self-harming statements both are generally inadmissible.
6. Under the law of evidence, as a general rule
   (a) opinion on a matter of fact is relevant but not on a matter of law
   (b) opinion on a matter of law is relevant but not on a matter of fact
   (c) opinion on a matter of fact and law both are relevant
   (d) opinion whether on a matter of fact or law, is irrelevant.
7. Indian Evidence Act applies to
   (a) proceedings before tribunals
   (b) proceedings before the arbitrator

(c) judicial proceedings in courts
(d) all the above.

8. Law of evidence is
(a) lex tallienis
(b) lex fori
(c) lex loci solutionis
(d) lex situs.

9. Law of evidence is
(a) a substantive law
(b) an adjective law
(c) both (a) & (b)
(d) neither (a) nor (b).

10. **Facts can be**
(a) physical facts
(b) psychological facts
(c) physical as well as psychological facts
(d) only physical facts & not psychological facts.

11. Under the Evidence Act, fact means
(a) factum probandum
(b) factum probans
(c) both factum probandum and factum probans
(d) none of the above.

12. Fact in issue means
(a) fact, existence or non-existence of which is admitted by the parties
(b) fact, existence or non-existence of which is disputed by the parties
(c) fact existence or non-existence of which is not disputed by the parties
(d) all the above.

13. Evidence under the Indian Evidence Act means & includes
(a) ocular evidence
(b) documentary evidence
(c) ocular and documentary evidence both
(d) ocular evidence based on documents only.

14. Propositions under Evidence Act are
I. Affidavit is an evidence.
II. Everything produced before the court for inspection is evidence.
III. Anything of which judicial notice can be taken is evidence.
IV. Written statement of an accused is evidence. Which of the following is true in respect of the aforesaid propositions
(a) I, II, III & IV all are correct
(b) I, II & III are correct but IV is incorrect
(c) I, II & IV are correct but III is incorrect
(d) I, II & IV are incorrect but III is correct
(e) I & II are correct but III & IV are incorrect
(f) I is incorrect but II, III & IV are correct.

15. Proof of a fact depends on
(a) accuracy of the statement and not upon the probability of its existence

(b) not upon the accuracy of the statement but upon the probability of its existence
(c) artificial probative value assigned to a fact
(d) rigid mathematical demonstration.

16. Standard of proof in
(a) civil and criminal cases is the same
(b) criminal cases is much more higher than in civil cases
(c) criminal case is lower than in civil cases
(d) either (a) or (c) are correct

17. Presumptions under the law of evidence are
(a) presumption of facts
(b) presumptions of law
(c) both (a) & (b)
(d) only (b) & not (a).

18. Propositions under Evidence Act are
I. Presumptions of facts are always rebuttable
II. Presumption of facts can be either rebuttable or irrebuttable
III. Presumption of law are always irrebuttable
IV. Presumption of law can be either rebuttable or irrebuttable.
Which is true of the aforesaid propositions
(a) I & III are correct but II & IV are incorrect
(b) I & IV are correct but II & III are incorrect
(c) II & III are correct but I & IV are incorrect.
(d) II & IV are correct but I & III are incorrect.

19. Under the law of evidence, the relevant fact
(a) must be legally relevant
(b) must be logically relevant
(c) must be legally & logically relevant
(d) must be legally & logically relevant and admissible.

20. **Relevancy is**
(a) question of law and can be raised at any time
(b) question of law but can be raised at the first opportunity
(c) question of law which can be waived
(d) question of procedure which can be waived.

21. Question of mode of proof is
(a) a question of law which can be raised at any time
(b) a question of procedure but has to be raised at the first opportunity and stands waived if not raised at the first opportunity
(c) a question of procedure & can be raised at any time
(d) a mixed question of law & fact.

22. Which of the following documents are not admissible in evidence
(a) documents improperly procured
(b) documents procured by illegal means
(c) both (a) & (b)
(d) neither (a) nor (b).

23. The facts which form part of the same transaction are relevant
(a) under section 5 of Evidence Act
(b) under section 6 of Evidence Act
(c) under section 7 of Evidence Act
(d) under section 8 of Evidence Act.
24. A fact forming part of the same transaction is relevant under section 6 of Evidence Act
(a) if it is in issue and have occurred at the same time & place
(b) if it is in issue and may have occurred at different times & places
(c) though not in issue and may have occurred at the same time & place or at different times & places
(d) though not in issue, must have occurred at the same time & place.
25. Several classes of facts, which are connected with the transaction(s) in a particular mode, are relevant
(a) under section 6 of Evidence Act
(b) under section 7 of Evidence Act
(c) under section 8 of Evidence Act
(d) under section 9 of Evidence Act.
26. Motives of preparation and conduct are I relevant
(a) under section 6 of Evidence Act
(b) under section 7 of Evidence Act
(c) under section 8 of Evidence Act
(d) under section 9 of Evidence Act.
27. Under section 8 of Evidence Act
(a) motive is relevant
(b) preparation is relevant
(c) conduct is relevant
(d) all the above.
28. For conduct to be relevant under section 8 of Evidence Act, it
(a) must be previous
(b) must be subsequent
(c) may be either previous or subsequent
(d) only subsequent & not previous.
29. Facts which are necessary to explain or introduce relevant facts of place, name, date, relationship & identity of parties are relevant
(a) under section 8 of Evidence Act
(b) under section 9 of Evidence Act
(c) under section 10 of Evidence Act
(d) under section 11 of Evidence Act.
30. Under section 9 of Evidence Act
(a) the identification parades of suspects are relevant
(b) the identification parades of chattels are relevant
(c) both (a) & (b) are relevant
(d) only (a) & not (b) is relevant.
31. **Identification of a suspect by photo is**
(a) admissible in evidence

(b) not admissible in evidence
(c) section 9 of Evidence Act excludes identification by photo
(d) section 8 of Evidence Act excludes identification by photo.

32. Things said or done by a conspirator in reference to the common design is relevant
(a) under section 12 of Evidence Act
(b) under section 6 of Evidence Act
(c) under section 10 of Evidence Act
(d) under section 8 of Evidence Act.

33. A confession made by a conspirator involving other members is relevant against the co-conspirator jointly tried with him and is admissible
(a) under section 8 of Evidence Act
(b) under section 10 of Evidence Act
(c) under section 30 of Evidence Act
(d) both (b) & (c).

34. Alibi is governed by
(a) section 6 of Evidence Act
(b) section 8 of Evidence Act
(c) section 15 of Evidence Act
(d) section 11 of Evidence Act.

35. Transaction and instances relating to a right or custom are relevant
(a) under section 6 of Evidence Act
(b) under section 8 of Evidence Act
(c) under section 10 of Evidence Act
(d) under section 13 of Evidence Act.

36. Section 13 of Evidence Act applies to
(a) corporal rights
(b) incorporal rights
(c) both corporal and incorporal rights
(d) neither (a) nor (b).

37. Section 13 of Evidence Act
(a) is confined to public rights & does not cover private rights
(b) is not confined to public rights and covers private rights also
(c) is confined to private rights and does not cover public rights
(d) either (a) or (c) is correct.

38. Mode of proof of a custom is contained in
(a) section 32(4) of Evidence Act
(b) section 32(7) of Evidence Act
(c) section 48 of Evidence Act
(d) all the above.

39. Section 14 of Evidence Act makes relevant the facts which show the existence of
(a) any state of mind
(b) any state of body or bodily feeling
(c) either state of mind or of body or bodily feeling
(d) a particular state of mind and a state of body.

40. Under section 14 of Evidence Act – Explanation I
(a) evidence of general disposition, habit or tendencies is inadmissible
(b) evidence having a distinct and immediate reference to the particular matter in question is admissible
(c) both (a) & (b) are correct
(d) both (a) & (b) are incorrect.
41. Previous conviction of a person is relevant under
(a) explanation I to section 14 of Evidence Act
(b) explanation II to section 14 of Evidence Act
(c) explanation III to section 14 of Evidence Act
(d) explanation IV to section 14 of Evidence Act.
Multiple Choice Questions for Judicial Service Examination
42. Under section 15 of Evidence Act, facts showing series of similar occurrences, involving the same person are relevant
(a) when it is uncertain whether the act is intentional or accidental
(b) when it is certain that the act is with guilty knowledge
(c) when it is certain that the act is done innocently
(d) either (b) or (c).
43. Admission has been defined as a statement made by a party or any person connected with him, suggesting any inference as to a fact in issue or relevant fact under certain circumstances, under
(a) section 16 of Evidence Act
(b) section 17 of Evidence Act
(c) section 18 of Evidence Act
(d) section 19 of Evidence Act.
44. Admissions
(a) must be examined as a whole and not in parts
(b) can be examined in parts
(c) can be examined as a whole or in parts
(d) both (b) & (c) are correct.
45. Admissions bind the maker
(a) in so far as it relates to facts
(b) in so far as it relates to question of law
(c) both on questions of facts & of law
(d) neither (a) nor (b).
46. Admissions
(a) must be in writing
(b) must be oral
(c) either oral or in writing
(d) only in writing & not oral.
47. Admission to be relevant
(a) must be made to the party concerned & not to a stranger
(b) must be made to a stranger
(c) it is immaterial as to whom admission is made and an admission made to a stranger is relevant

(d) it is immaterial to whom the admission is made but must be made to someone intimately connected & not a stranger.

48. Propositions under Evidence Act are
I. Statement is a genus, admission is a species & confession is a sub species.
II. Statement & admission are species & confession is a sub species.
III. Statement & admission are genus & confession is a species.
In this context which of the following is correct
(a) I is correct, II & III are incorrect
(b) I & II are correct & III is incorrect
(c) II & III are correct & I is incorrect
(d) III is correct & I & II are incorrect.

49. Admission can be
(a) formal only
(b) informal only
(c) either formal or informal
(d) only formal & not informal.

50. **Admissions**
(a) are conclusive proof of the matters admitted
(b) are not conclusive proof of the matters admitted but operate as estoppel
(c) are conclusive proof of the matter and also operate as estoppel
(d) both (a) & (c) are correct.

51. Persons who can make admissions are mentioned in
(a) section 17 of Evidence Act
(b) section 20 of Evidence Act
(c) section 19 of Evidence Act
(d) section 18 of Evidence Act.

52. Admissions by agents are
(a) admissible in civil proceedings under all circumstances
(b) admissible in civil proceedings only if the agent has the authority to make admissions
(c) never admissible in criminal proceedings
(d) both (b) & (c).

53. Admissions made by a party are evidence against
(a) privies in blood
(b) privies in law
(c) privies in estate
(d) all the above.

54. Which of the following admission is no evidence
(a) an admission by one of the several defendants in a suit against another defendant
(b) an admission by a guardian ad litem against a minor
(c) an admission by one of the partners of a firm against the firm or other partners
(d) only (a) & (b).

55. When the liability of a person who is one of the parties to the suit depends upon the liability of a stranger to the suit, then an admission by the stranger in respect of his liability shall be an admission on the part of that person who is a party to the suit. It has been so provided
(a) under section 21 of Evidence Act
(b) under section 20 of Evidence Act
(c) under section 19 of Evidence Act
(d) under section 17 of Evidence Act.

56. In a reference made over a disputed matter to a third person, the declaration so made by that person shall be an evidence against the party making a reference, by virtue of
(a) section 17 of Evidence Act
(b) section 19 of Evidence Act
(c) section 20 of Evidence Act
(d) section 21 of Evidence Act.

57. Communication made 'without prejudice' are protected
(a) under section 22 of Evidence Act
(b) under section 23 of Evidence Act
(c) under section 24 of Evidence Act
(d) under section 21 of Evidence Act.

58. Confession caused by inducement, threat or promise is contained in
(a) section 24 of Evidence Act
(b) section 25 of Evidence Act
(c) section 26 of Evidence Act
(d) section 27 of Evidence Act.

59. Section 24 of Evidence Act applies
(a) when the inducement, threat or promise comes from a person in authority
(b) when the inducement is of a temporal kind
(c) when the inducement is spiritual or religious
(d) only (a) & (b) are correct.

60. **A confession made to a police officer is inadmissible under**
(a) , section 24 of Evidence Act
(b) section 25 of Evidence Act
(c) section 26 of Evidence Act
(d) section 27 of Evidence Act.

61. A confession to be inadmissible under section 25 of Evidence Act
(a) must relate to the same crime for which he is charged
(b) must relate to another crime
(c) may relate to the same crime or another crime
(d) only (a) is correct and (b) is incorrect.

62. Which of the following is not given by section 25 of Evidence Act
(a) confessions made to custom officers
(b) confession made to a member of Railway Protection Force
(c) confession made to an officer under FERA
(d) all the above.

63. A retracted confession
(a) can be made solely the basis of conviction
(b) cannot be made solely the basis of conviction under any circumstances
(c) can not be made solely the basis of conviction unless the same is corroborated
(d) both (a) & (c) are incorrect.
64. A confession made by a person while in police custody is inadmissible as per
(a) section 25 of Evidence Act
(b) section 26 of Evidence Act
(c) section 27 of Evidence Act
(d) section 30 of Evidence Act.
65. A confession made while in police custody is admissible under section 26 of Evidence Act
(a) if made in the presence of a doctor
(b) if made in the presence of a captain of a vessel
(c) if made in the presence of a Magistrate
(d) all the above.
66. Section 27 control
(a) section 24 of Evidence Act
(b) section 25 of Evidence Act
(c) section 26 of Evidence Act
(d) all the above.
67. Section 27 applies to
(a) discovery of some fact which the police had not previously learnt from other sources and was first derived from the information given by the accused
(b) discovery of some fact which the police had previously learnt from other sources
(c) discovery of some fact which the police had previously learnt from other sources and the accused has also given information regarding the same
(d) all the above.
68. Under section 27 of Evidence Act, ‘discovery of fact’ includes
(a) the object found
(b) the place from where it is produced
(c) both (a) & (b)
(d) neither (a) nor (b).
69. Section 27 of Evidence Act applies
(a) when the person giving information is an accused but not in police custody
(b) when the person giving information is an accused and is in police custody
(c) when the person is in police custody but not an accused
(d) when the person is neither in police custody nor an accused.
70. **Under section 27 of Evidence Act**
(a) the whole statement is admissible

(b) only that portion which distinctly relates to the discovery is admissible
(c) both are admissible depending on the facts & circumstances of the case
(d) only (a) & not (b).

71. Facts discovered in consequences of a joint information
(a) are not admissible and can not be used against any of the accused person
(b) are admissible and can be used against any one of the accused person
(c) are admissible and can be used against all the accused persons
(d) both (a) & (c) are correct.

72. Confession of an accused is admissible against the other co-accused
(a) under section 28 of Evidence Act
(b) under section 29 of Evidence Act
(c) under section 30 of Evidence Act
(d) under section 31 of Evidence Act.

73. Confession of one accused is admissible against co-accused
(a) if they are tried jointly for the same offences
(b) if they are tried jointly for different offences
(c) if they are tried for the same offences but not jointly
(d) if they are tried for different offences and not jointly.

74. Confession of a co-accused, not required to be on oath and cannot be tested by cross- examination
I. is no evidence within the meaning of section 3 of Evidence Act and cannot be the foundation of a conviction
II. the only limited use which can be made of a confession of a co-accused is by way of furnishing an additional reason for believing such other evidences as exists
III. it is a very weak type of evidence and is much weaker even than the evidence of an approver.
In the aforesaid propositions
(a) all I, II & III are correct
(b) only I & III are correct
(c) only I & II are correct
(d) only II & III are correct.

75. 'Necessity rule' as to the admissibility of evidence is contained in
(a) section 31 of Evidence Act
(b) section 32 of Evidence Act
(c) section 60 of Evidence Act
(d) section 61 of Evidence Act.

76. Necessity rule as to the admissibility of evidence is applicable, when the maker of a statement
(a) is dead or has become incapable of giving evidence
(b) is a person who can be found but his attendance can not be procured without unreasonable delay or expenses
(c) is a person who can not be found
(d) all the above.

77. Under section 32 of Evidence Act, a statement of a person who is dead, to be admissible
(a) must relate to the cause of his own death
(b) may relate to the cause of someone else' death
(c) may relate to the cause of his own death or someone else' death
(d) both (b) & (c) are correct.
78. The person whose statement is admitted under section 32 of Evidence Act
(a) must be competent to testify
(b) need not be competent to testify
(c) may or may not be competent to testify
(d) only (a) is correct and (b) & (c) are incorrect.
79. A dying declaration is admissible
(a) only in criminal proceedings
(b) only in civil proceedings
(c) in civil as well as criminal proceedings both
(d) in criminal proceedings alone & not in civil proceedings.
80. A dying declaration
(a) can form the sole basis of conviction without any corroboration by independent evidence
(b) can form the basis of conviction only on corroboration by independent witness
(c) cannot form the sole basis of conviction unless corroborated by independent witness
(d) only (b) & (c) are correct.
81. A dying declaration to be admissible
(a) must be made before a Magistrate
(b) must be made before the police officer
(c) may be made before a doctor or a private person
(d) may be made either before a magistrate or a police officer or a doctor or a private person.
82. Declaration in course of business are admissible
(a) under section 32(1) of Evidence Act
(b) under section 32(2) of Evidence Act
(c) under section 32(4) of Evidence Act
(d) under section 32(7) of Evidence Act.
83. Declaration as to custom are admissible
(a) under section 32(1) of Evidence Act
(b) under section 32(2) of Evidence Act
(c) under section 32(4) of Evidence Act
(d) under section 32(7) of Evidence Act.
84. Under section 32(4) of Evidence Act, the declaration
(a) as to public rights & customs are admissible
(b) as to private rights & customs are admissible
(c) as to both public and private rights and customs are admissible
(d) only as to customs are admissible.

85. Opinions of experts are relevant
(a) under section 45 of Evidence Act
(b) under section 46 of Evidence Act
(c) under section 47 of Evidence Act
(d) under section 48 of Evidence Act.

86. Under section 45 of Evidence Act, the opinion of expert can be for
(a) identity of hand writing
(b) identity of finger impression
(c) both (a) & (b)
(d) neither (a) nor (b).

87. Under section 45 of Evidence Act the opinion of expert can be on the question of
(a) Indian law
(b) Foreign law
(c) both (a) & (b)
(d) only (a) & not (b).

88. Opinion of an expert under section 45 of Evidence Act
(a) is a conclusive proof
(b) is not a conclusive proof
(c) is supportive & corroborative in nature
(d) either (a) or (c).

89. A disputed handwriting can be proved
(a) by calling an expert
(b) by examining a person acquainted with the handwriting of the writer of the questioned document
(c) by comparison of the two-admitted & disputed handwritings
(d) all the above.

90. **The res inter alia acta is receivable**
(a) under section 45 of Evidence Act
(b) under section 46 of Evidence Act
(c) under section 47 of Evidence Act
(d) under section 48 of Evidence Act.

91. Entries in the books of accounts regularly kept in the course of business are admissible under section 34 of Evidence Act
(a) if they by themselves create a liability
(b) if they by themselves do not create a liability
(c) irrespective of whether they themselves create a liability or not
(d) either (a) or (b).

92. When the court has to ascertain the relationship between one person and another, the opinion of any person having special means of knowledge and expressed by conduct is admissible
(a) under section 51 of Evidence Act
(b) under section 50 of Evidence Act
(c) under section 52 of Evidence Act
(d) under section 49 of Evidence Act.

93. The relationship in section 50 of Evidence Act means
(a) relationship by blood only
(b) relationship by blood or marriage
(c) relationship by blood or marriage or adoption
(d) only (a) and not (b) & (c).

94. Opinion as to relationship of marriage under section 50 of CPC
(a) is admissible in cases of offences against marriage
(b) is admissible in proceedings under Indian Divorce Act
(c) is admissible both in (a) & (b)
(d) is neither admissible in cases of offences against marriage nor in proceedings under Indian Divorce Act

95. Propositions under Evidence Act are
I. In civil cases, character evidence is inadmissible unless the character of a party is a fact in issue.
II. In criminal cases, the evidence of good character is admissible generally.
III. In criminal proceedings, evidence of bad character is inadmissible unless the same is a fact in issue.
IV. In criminal proceedings evidence of bad character is admissible when evidence of good character has been given. In relation to the above propositions which of the following is correct statement
(a) all the four (I, II, III & IV) are correct
(b) I, II & III are correct but IV is incorrect
(c) I & II are correct but III & IV are incorrect
(d) I & III are correct but II & IV are incorrect
(e) I, II & IV are correct but III is incorrect
(f) II, III & IV are correct but I is incorrect.

96. Facts of which the judicial notice is to be taken are stated in
section 56 of Evidence Act
section 57 of Evidence Act
section 58 of Evidence Act
section 55 of Evidence Act.

97. List of facts of which the judicial notice has to be taken under section 57 of Evidence Act
(a) is exhaustive
(b) is illustrative only
(c) is both (a) & (b)
(d) is neither (a) nor (b).

98. Facts which need not be proved by the parties include
(a) facts of which judicial notice has to be taken
(b) facts which have been admitted by the parties at or before the hearing
(c) both (a) & (b)
(d) neither (a) nor (b).

99. The court may in its discretion call for proving the facts
(a) of which judicial notice has to be taken
(b) which have been admitted otherwise than such admissions

(c) both (a) & (b)
(d) neither (a) nor (b).

100. Oral evidence under section 60 of Evidence Act may be
(a) direct only
(b) hearsay
(c) both (a) & (b)
(d) either (a) or (b).