



# An Overview Of Admission And Confession Under Indian Evidence Act 1872

## Part I

Shivam Kumar Pandey<sup>1\*</sup>, Khushal Saini<sup>2</sup>

<sup>1\*</sup>Designation: Llm, Rashtriya Raksha University

<sup>2</sup>Designation: Llb, Shree Guru Gobind Singh Tricentenary University

**\*Corresponding Author:** Shivam Kumar Pandey

\*Designation: Llm, Rashtriya Raksha University

### Abstract

This article provides an overview of the legal concepts of confession and admission under the Indian Evidence Act 1872. Admissions are statements made by a party to the proceeding relevant to the issue and admissible as evidence against that party. Confessions are statements made by an accused person that admits to the commission of a crime. Both admissions and confessions can be used as evidence in civil and criminal cases.

The article begins by discussing the definition of admissions and confessions under the Evidence Act. It then examines the admissibility of admissions and confessions, including the requirements for voluntariness and reliability. The article also discusses the differences between admissions and confessions and the implications of these differences for the use of these statements as evidence.

The article concludes by providing keywords that can be used to search for further information on admissions and confessions under the Indian Evidence Act.

**Keywords:** Admission, Confession, Indian Evidence Act, 1872, Voluntariness, Reliability, Civil cases, Criminal cases

### Introduction:

A statement can take many forms, including oral, documentary, or electronic. It should pertain to a relevant fact or issue in a particular case. A statement can also be self-incriminating, which is called admission. It is wise for an individual to avoid making statements that could potentially harm themselves. However, there may be rare instances where a person inadvertently makes a self-incriminating statement that is generally truthful. The term "confession" does not have a clear definition, but it generally refers to an admission made by someone who is accused in a criminal case. Such an admission can be used against the accused and could result in serious consequences. This section aims to provide a fundamental understanding of admissions and confessions.

(Note: the part may not be in any order, but they are presented in a way that helps readers comprehend the concepts.)

### Brief on Admission

When someone makes a statement, whether spoken, written, or electronic, that suggests a fact relevant to a dispute, it's called an admission. This can be done by anyone mentioned in **Section 17** under certain circumstances. Admissibility refers to the fact admitted in the statement, considered substantive evidence. However, a previous statement challenging a witness's credibility is not substantive evidence.[1]

If the maker of the admission is the opponent in a case, it's considered strong evidence against them. However, they can still try to prove that it needs to be revised or corrected. The admission must be clear and consistent for the opponent to be relieved of the burden of proof for the fact claimed to be admitted. [2]

Admissions are statements made by a party involved in a legal proceeding or by someone authorised to make such statements. They are not statements made by parties to a lawsuit when they are suing or being sued. (**Section 18**) [3]

If someone makes a statement while they have a financial or other interest in the subject matter of the lawsuit, and the information is made in their capacity or as a representative of someone who has an interest in the case, it's considered an admission if their claim is still active.

Regarding legal proceedings, any statements made by individuals whose position or responsibility is being questioned and must be proven in court are considered admissions, according to **Section 17**. This is especially relevant if the statements can be used as evidence against them in a lawsuit. For instance, Yash agreed to collect rent on Kunal's behalf, but Kunal is now suing Yash for failing. If Yash disputes that Naman owes rent to Kunal, Naman's statement

acknowledging the debt becomes an admission against Yash.

In **Section 20**, admissions are defined as statements requested for information by a party involved in a lawsuit from individuals. For example, if Yash sells a car to Kunal and Kunal asks if it is in good condition, and Yash tells him to ask Naman, then Naman's statement about the car's state becomes an admission.

Admissions play a crucial role in legal proceedings as they assist the court in its decision-making process. If one party can demonstrate that the other side has admitted to their case, it simplifies the court's task. For instance, if A sues B, claiming that B is not the daughter of the last male owner's daughter, and A is the rightful heir, a document provided by B where A recognizes B as the son of the previous male holder's daughter becomes significant evidence that can be admissible in court.

**Sections 17 to 31** of the Act deal with admissions and confessions. An entry is a statement made by a person that is relevant to the matter in issue and can be used as evidence against that person. A confession is an admission of guilt made by the accused in a criminal case.

- **Sections 17 to 20** define the term "admission" and outline the different types of admission that can be made.
- **Section 21** discusses the rules and conditions that determine when a statement made by one person can be used as evidence by someone else involved in the legal process. It also outlines when and how the person who made the statement can confirm its accuracy.
- According to **Section 22**, any spoken testimony cannot be used as evidence against the information contained in written documents.
- In **Section 23** specifies the relevance of cases where admission is granted with the caveat that it cannot be used as evidence in court..

Admissions and confessions are both types of statements that can be used as evidence in court. However, different rules govern the admissibility of admissions and confessions. Admissions are generally more reliable than confessions and can be used as evidence in civil and criminal cases. Conversely, confessions are only admissible in criminal cases and must be made voluntarily to be acceptable.

**Section 21** of the Indian Evidence Act of 1872 states that admissions are statements made by a person relevant to the matter. They can be used as evidence against the person who made them, but not by or on their behalf.

However, there are three exceptions to this rule:

- If the statement made by an individual would have been relevant to third parties under **Section 32** had the individual been deceased, it can be proven by or on behalf of that individual.
- If someone produces a statement about their state of mind or body relevant to a case and their actions support it, it can be used as evidence to prove their point. This statement must have been made when the state of mind or body existed. It can be presented by the person who made the statement or on their behalf.
- If the statement is deemed significant and not just an admission, it can be declared by the individual who originally made it or by someone acting on their behalf.

In other words, admissions are generally not admissible as evidence in favour of the person who made them, but there are some exceptions to this rule. These exceptions ensure that admissions are only used as evidence when reliable and relevant.

Several exceptions can be explained through examples, including:

- Kunal and Yash argued over whether a document was real or fake. Kunal believed it genuine, while Yash thought it to be a forgery. Kunal could support the document's authenticity by referencing a statement made by Yash, and Yash could confirm it by referencing information made by Kunal. However, he couldn't prove the document's genuineness by citing his account, and Yash couldn't prove its falsity by citing his statement.
- Kunal, driving a bus, has been accused of abandoning a girl. Evidence shows that the bus deviated from its original route. In a book presented by Kunal, he documented his daily observations while driving the bus, noting that the bus stayed on its original course. These statements could be considered admissible under clause (2) of **section 32** if Kunal were still alive.
- Kunal has been accused of the commission of a crime in Mathura. However, he has presented a letter he wrote on the same day in Bangalore, which also bears the same-day postmark. The date mentioned on the note is permissible according to clause (2) of **section 32**.
- Yash is facing accusations of receiving stolen goods, but he maintains that he did not sell them for less than their worth. Although some may view his statements as an admission of guilt, Yash may be able to defend his actions by explaining how the circumstances at the time influenced his decisions.
- Adarsh has been accused of possessing a counterfeit coin knowingly and fraudulently. He argues that he asked an expert to examine the cash because he was unsure of its authenticity, and the expert informed him that it was genuine. Adarsh may be able to prove this fact.

According to a case [4], a letter containing only a statement from the original defendant and no arguments in favour or against the case cannot be used as a substitute defendant when faced with admission. Statements made orally regarding the contents of a document are only considered significant if the party attempting to prove them can provide secondary evidence of the document's contents by **sections 22 and 22A** of this code. Alternatively, if there is doubt about the authenticity of the produced document, the party must prove its validity.

However, there are two exceptions:

- 1) If a person is eligible to provide secondary evidence of certain documents, they can use oral admission;
- 2) If the original document is lost or in the opposing party's possession, secondary evidence of its contents can be provided under **section 65**. Oral admissions about electronic records' contents are only relevant if their authenticity is questioned [5].

In **section 23**, it is stated that in civil proceedings, no admission is relevant if it is made with the explicit statement that it will not be used as evidence or under circumstances from which the Court can infer that the parties have agreed it should not be used as evidence. [6]

**Admission “Without Prejudice”**

In civil cases, **Section 23** infers that if someone admits to an obligation but explicitly states that no evidence of this admission should be used, or if there is an agreement that the entry will not be proven in court, then the access is irrelevant and cannot be used as evidence. This ensures that people can make statements to settle disputes without fear of being used against them in court.

Suppose one person offers specific terms to another person but also mentions that the letter cannot be used as an admission of liability if the offer is rejected. In that case, it is called a "written without prejudice" letter and cannot be presented as evidence in court. Similarly, entries made during negotiations to settle a claim are privileged and cannot be used in court as long as both parties agree to claim the privilege. [7]

Please note that without prejudice does not apply to admissions made with conditions or in cases where both parties have signed and executed a compromise agreement. Please keep in mind that this regulation solely pertains to civil lawsuits and not criminal cases.

**Admission is taken as a whole.**

To be accepted, an admission must be taken in full and cannot be used against a person in parts. If contradictory evidence exists to a portion of the entry, only the remaining amount can be used. [8]

**Admission based on the Law**

Parties cannot force the court to agree with their perspective by admitting to a specific law based on facts that are not disputed. A party is not obligated to disclose to a legal point. If an attorney mistakenly accepts a legal matter, it has no legal impact, and the party is not obliged to agree.

**Admission as Estoppel**

According to **section 31**, admissions are not considered definite proof of the issues admitted. However, admissions can be used as estoppels. [9] Admission refers to a clear statement of specific facts significant to the case. It is given by the party or someone connected to the party during the trial. This type of evidence is binding and holds considerable value in the case. There are two types of admissions: judicial admissions and extra-judicial admissions.

**Judicial Admission and Extra-Judicial Admission**

When a party makes statements during a case, they are called judicial admissions. However, if they make unofficial statements not included in the court's record, these are referred to as extra-judicial admissions. Any comments made directly to the judge during the case are legally binding for the party who made them and can be used as evidence. These admissions may also affect the parties' rights.

**Admission vs Estoppel**

Admission	Estoppel
Admission can be expressed verbally, written, or person is prevented from returning a statement they electronically, implying a conclusion about a specific fact or related point.	"estoppel" refers to a legal principle where a previously made. This is considered a rule of evidence.
The admission should be more conclusive. Evidence that supports the claim can be used to counter any opposing arguments.	The principle of estoppel is final and binding.
	The concept of estoppel is regarded as

Admission is considered the weakest form of indisputable evidence of exceptional quality. evidence.

In certain situations, involving a third party in legal proceedings can cause their actions to have The legal principle of estoppel only applies to the consequences for all parties involved, as stated in person who made the representation and their Sections 19 and 20. legal consequences.

When admitting, a party's position does not was made to have relied on it to their necessarily need to change. disadvantage, this is known as estoppel.

The Evidence Act sections 17 to 23 and section 31 You can locate the regulations of estoppel in outline the guidelines for admission. sections 115 to 117 of the Evidence Act.

### Admission in a Book

Although the statements in the book may not be deemed as indisputable confessions, they can still be utilized in combination with other evidence to ascertain if the appellant's actions suggest a relinquishment or forfeiture of their rights concerning the mentioned article.

### Admission as Title

It should be noted that admission does not guarantee that one will receive a title by transferring ownership from one person to another. [10]

### References:

1. Bishwanath Prasad v. Dwarka Prasad, AIR 1947 SC 117
2. Income Tax officer v. Mangat Ram Norata Ram, JT 2011 (7) SC 162; (2011) 6 SCALE 605
3. Joshna Gauda v. Brundaban Gouda (2012) 5 SCC 634
4. Salil Kumar Roy v. Badu Den Bhansali, AIR 1999 Cal 270
5. Ins. by Act 21 of 2000, sec. 92 and Sch. II-3 (w.e.f. 17-10-2000)
6. Nothing in this paragraph shall be construed as exempting any barrister, pleader, attorney, or vakil from testifying in any matter for which he may be compelled to testify under section 126.
7. Lucknow Improvement Trust v. P.L. Jaitly, AIR 1930 Oudh 105
8. Shiv Ram v. Shiv Charan, AIR 1964 Raj 126
9. The principle prohibits a person from proving something contrary to what is inferred by that person's past decision or statement or by a past empirical judicial determination.
10. Ambika Prasad v. Ram Ekbal Rai, AIR 1966 SC 605

### Books

1. The Indian Evidence Act, enacted in 1872, was authored by James Fitzjames Stephen.
2. The subject of discussion is the Indian Evidence Act, specifically Act No. 1 of 1872, authored by Sir Henry Stewart Cunningham in the year 1872.
3. The scholarly work titled "D. Field's Law of Evidence in India and Pakistan" authored by Charles Dickenson Field and T. L. encompasses a comprehensive examination of the legal principles and regulations governing the admissibility and evaluation of evidence in the aforementioned jurisdictions. In the year 1970, Venkatarama Aiyar's work can be found in a limited preview.
4. The Indian Evidence Act, often known as Act No. The document titled "The Indian Evidence Act of 1872: As Amended by Act by India, Tarapada Banerji · 1896" is a legal text that outlines the provisions and amendments made to the Indian Evidence Act of 1872. This document, authored by Tarapada Banerji in 1896, serves as a comprehensive resource for understanding the legal framework and modifications introduced to the Indian Evidence Act during that time period.
5. The subject of discussion is the Indian Evidence Act, namely No. 1 of 1872, which has undergone amendments as per the Act by India, under the authorship of Sir Henry Stewart Cunningham in the year 1873.
6. This commentary provides an analysis of the Indian Evidence Act of 1872, authored by Dr. Pushkal Kumar Pandey in the year 2020.
7. In the year 1867, John Bruce Norton authored a comprehensive work titled "The Law of Evidence applicable to the Courts of the East."
8. The topic of discussion is the foundational principles of the Indian Evidence Act, as presented by Dr. Shashikant Singh.
9. The Indian Evidence Act, often known as Act No. The work titled "I of 1872" was authored by Sir Henry Stewart Cunningham in the year 1878.

### Online resources

1. <https://tinyurl.com/yrmu5uss>
2. <https://lawbhoomi.com/admissions-and-confessions-in-evidence-act/>

3. <https://blog.ipleaders.in/confessions-under-the-indian-evidence-act/>
4. <https://www.legalserviceindia.com/legal/article-138-admissions-and-confessions-under-indian-evidence-act-1972.html>
5. <https://www.lawinsider.in/columns/admission-under-the-indian-evidence-act-1872-how-is-it-different-from-confession>
6. <https://portal.theedulaw.com/SingleNotes?title=pcs-j-quetion---explain-admissions-and- confessions>
7. <https://lawcorner.in/difference-between-confession-and-admission/>
8. <https://testbook.com/key-differences/difference-between-confession-and-admission>
9. <https://www.legalservicesindia.com/article/1547/Confession-under-Indian-Evidence-Act.html>
10. <https://www.centurylawfirm.in/blog/confessions-and-admissions-in-indian-law-an-examination-of-the-indian-evidence-act/>
11. <https://www.ricky Chopra.co/all-you-need-to-know-about-confessions-and-admissions-under-the-evidence-law/>
12. [https://www.lkouniv.ac.in/site/writereaddata/siteContent/202004050627539144richa\\_saxena\\_Law\\_of\\_Evidence.pdf](https://www.lkouniv.ac.in/site/writereaddata/siteContent/202004050627539144richa_saxena_Law_of_Evidence.pdf)
13. <https://bnwjourn.com/2021/05/28/an-overview-of-admission-and-confession-under-indian-evidence-act-1872/>
14. <https://bnwjourn.com/2021/05/28/an-overview-of-admission-and-confession-under-indian-evidence-act-1872/>