



FACULTY OF JURIDICAL SCIENCES

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Lecture-10



Admission

Admission are defined under **section 17** of the as,

“An admission is a statement, oral or documentary or contained in electronic form, which suggests any inference as to any fact in issue or relevant fact, and which is made by any of the persons, and under the circumstances hereinafter mentioned.”

A statement made by a person mentioned in the sec 18of the Evidence Act and in the circumstances mentioned in sec 18- 30 of the evidence act, which suggest an inference about the any fact in issue or relevant fact is an admission. It can be understood as anything a party has ever communicated either in speech, writing or in any other way in reference to the party at the trial is an admission. It is a positive act of acknowledgement of a fact or is a confession. It is not mere inference which is drawn by the any other act such as silence or implied consent. It must be conscious and deliberate act. Thus

Example 1. Omission of answer to the notice by itself cannot be treated as truth of the allegations of the notice. The allegations can be proved only by the conscious and deliberate admission in express terms.

Example 2. A files a suit against B alleging that B is the last male owner's daughter's son and that he(A) is the last male owner's *sapinda*. B files a document in which A admits that B to be the daughter's son of the last male holder. That document is the admission made by the A.

The definition makes it clear that an admission is statement in oral or written form including electronic forms like pen drives, disks, floppies suggesting an inference as to existence or non existence of any fact in issue or a relevant to the fact in issue.

As already defined above, admissions are statements that attach a liability, as inferred from the facts in issue or relevant facts, to the party who made such statements; the statement, denouncing any right, should be conclusive and clear, there should not be any doubt or ambiguity. This was held by the Supreme Court in **Chikham Koteswara Rao v C Subbarao (AIR 1981 SC 1542)**. They are only prima facie proof and not conclusive proof.

Admissions can be either formal or informal. The formal admissions are also called judicial

admissions made during the proceedings, while the latter is made during the normal course of life. Judicial admissions are admissible under Section 58, (facts admitted through pleadings need not be proved.) of the act and are substantive. They are a waiver of proof, that is, no further proof is needed to prove them unless the court asks the same.

The Supreme Court in **Nagindas Ramdas v Dalpatram Ichharam** explained the effect of it, stating that if admissions are true and clear, they are the best proof of the facts admitted. Through informal or casual admission, the act brings in every written or oral statement regarding the facts of the case (by the party), under admission.

A person's conduct may also be taken as an admission. In an Australian case, **Mayo v Mayo** a woman registered the birth of her child but did not enter the name of the father or his profession. The court said that either she did not know who the father was or she was admitting that the child is illegitimate. In either case, there is an admission of adultery and an admissible evidence of adultery.

Admission is a statement of facts, asserting or denying them. Admissions are of two types:

1. Formal Admissions
2. Evidentiary Admissions

Formal admissions are admissions made in the proceedings of a case. They are often, made in the pleadings. They may also be made through the submissions of parties or their advocates. Formal admissions are binding upon the parties and therefore, the facts so admitted need not be proved

On the other hand, evidentiary admissions are made outside the court before or while the case is pending in the court.

Statements of facts made by a person may be classified into two categories:

1. self serving statements;
2. self harming statements

A self-serving statement is one, which is beneficial to the person making it. A self harming statement is one, which is against the interest of the person making it.

As self-serving statement are beneficial to the maker, and therefore they are not reliable.

Hence, they are not relevant except in certain circumstances.

On the other hand, self-harming statements are against the interest of the maker and therefore the courts readily believe them because a person will not make a statement against his interest unless it is true.

Illustration

The question between *A* and *B* is, whether a certain deed is or is not forged. *A* affirms that it is genuine, *B* that it is forged. *A* may prove a statement by *B* that the deed is genuine, and *B* may prove a statement by *A* that the deed is forged; but *A* cannot prove a statement by himself that the deed is genuine, nor can *B* prove a statement by himself that the deed is forged.

Thus the admissions are the best evidence though its relevancy depends upon the conditions as mentioned in Sections 18 to 20

Distinction between Admission and Confession

- i. A confession is a statement of a person which is sought to be proved against him in criminal proceeding to establish the commission of an offence, while an admission is a statement which is defined under sec 17 and made by the persons mentioned in sec 18, 19 and 20 of the Indian Evidence Act 1872, respectively.
- ii. Confession is a conclusive piece of evidence if made voluntarily and recorded as per the procedure provided (judicial confession), on the other hand admission is not conclusive proof but operate as estoppel under sec 31 of the Indian Evidence Act.
- iii. Confession is always used against the person who make it, while an admission is used on behalf of the person who make under the exception provided in sec 21 of the Indian Evidence Act
- iv. Confession of an accused can be taken in to consideration against others co accused if they are tried jointly for the same offence, while admission by one of the several defendants in suit is no evidence against other defendants.

In *Ram Singh v State* it was held that the acid test is where conviction can be based on the statement alone, it is a confession and where some supplementary evidence is for the conviction, it is admission.

