BLOGS

Admission under Evidence Act

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Introduction

According to **Sections 17** of IEA, admission under Evidence Act refers to the voluntary acknowledgment of the existence or truth of a specific fact. It encompasses statements, whether oral, written, or contained in electronic form, that imply an inference about a fact in issue or a relevant fact.

The Act outlines the parameters of what constitutes an admission. Focusing on whether it may be oral or documentary, who can make such admissions under Evidence Act, as specified in Section 18 of the Act, and the circumstances under which these admissions are relevant, detailed in **Sections 18-30**.

Admission, as demonstrated in legal cases like Banarasi Das v. Kanshi Ram & Others, function as prima facie evidence and can potentially create an estoppel effect. It's essential to note that their evidentiary strength is relatively weak, and the court may reject them if proven otherwise.

Correspondingly, in the case of Bishwanath Prasad and Others v. Dwarka Prasad (Dead) and Others, the Supreme Court clarified that admissions, while not serving as conclusive proof of the matter admitted, hold substantive value in themselves. Importantly, the admissibility of admissions is not contingent upon the party making them appearing as a witness; even if the party is not called as a witness, admissions remain admissible as evidence.

Admission under Evidence Act

Several sections govern admissions under Evidence Act. They are:

- Section 19 pertains to admissions made by third parties that affect their position, only if the party to the suit's position is proven, and the third party still exists during the suit.
- Section 20 addresses admissions made by a party to the suit that refer to a third party, rendering them admissible against the party who made the reference. However, statements made by strangers are generally not treated as admissions.
- Section 21 stipulates that admissions cannot be used against the party making them for their benefit but can be employed against the admitting party.
- Section 22 allows oral admissions regarding document contents under specific circumstances, such as when the original document is lost or when secondary evidence is necessary.
- Lastly, Section 23 restricts admissions to civil cases, emphasizing their relevance only when given without bias or prejudice.

Types of Admissions under Evidence Act

1. Formal or Judicial Admission: These admissions occur when a party makes statements during the official proceedings of a case, such as statements given to a magistrate. They are recorded as part of the legal process.
2. Informal and Casual Admission: These admissions are of an informal nature and are not officially recorded in the case documents. For instance, if a murder suspect, while receiving medical treatment, informs the doctor about the cause of their injuries, this informal statement is considered an admission.
3. Admission by Conduct: This type of admission arises from a person's behavior or actions. For example, if an individual flees the scene during a casual police interrogation, their conduct is viewed as an admission by conduct.

Who can make admissions?

Section 18 of the Indian Evidence Act outlines the categories of individuals whose statements are deemed admissions in a legal proceeding. These five categories include:

1. Party to the proceedings: Statements made by the parties involved in a lawsuit are considered relevant admissions. The term "parties" encompasses not only those formally listed on the record but also individuals with an interest in the subject matter, whether or not they appear

on the record. However, individuals appearing as parties on the record without genuine interest in the subject matter cannot make admissions binding against others they represent.

2. Authorized agents: Statements made by an agent in a lawsuit are admissible against the person they represent, but only if these statements are made while the agency relationship is in effect. Once the agency terminates, any subsequent statements by the agent have no impact on the principal.
3. Suitor in representative capacity: When individuals such as trustees, administrators, or executors litigate in a representative capacity, their statements are admissible only if made in that capacity. Any declarations made in their personal capacity are not considered admissions in the context of the Evidence Act.
4. Party with pecuniary or proprietary interests: In cases where several individuals share a joint interest in the subject matter of a lawsuit, admissions made by any one of them are considered admissions against all parties who share the joint interest. This applies whether these parties are suing jointly or separately. It's essential to establish a prima facie foundation demonstrating the joint interest among the parties involved.
5. Predecessor in title: Statements made by a predecessor-in-title, from whom the current party to the suit derives their title, are admissible as admissions. However, this only holds true if the predecessor-in-title made the statements while still holding the title and not after transferring it. Statements made after the transfer of title are not regarded as admissions against the parties in question.

Difference between Admission and Confession

Edit AdmissionConfession An admission is a statement made by a party to a case (either a plaintiff or defendant) that is against their own interest in the case. It can be either oral or in writing.A confession is a specific type of admission, typically related to criminal cases. It is a statement in which a person admits to having committed a crime. Admissions can be used as evidence against the party who made the admission.A confession can be used to establish the guilt of the accused. Admissions may be voluntary or involuntary, and they can be used to establish the truth of certain facts.To be admissible in court, a confession must be made voluntarily, without coercion, duress, or inducement. If a confession is obtained through improper means, it may be

considered inadmissible. Admissions are not limited to criminal cases and can occur in civil cases as well.The Indian Evidence Act contains provisions (Sections 24 to 30) that govern the admissibility of confessions in criminal cases.

Conclusion

Admission under Evidence Act holds significant importance in judicial proceedings, as they can simplify the court's work when one party demonstrates that the other has admitted to their case, obviating the need for further proof of certain facts, such as a debt owed in a loan dispute.

In both civil and criminal proceedings, evidence holds a crucial and indispensable role. It stands as the cornerstone of any legal process, being of utmost significance. When facts are accurate and significant, their corresponding evidence should invariably find its way into the courtroom.

However, it's essential to adhere to the specific provisions outlined in the legal code when presenting evidence. During the admission of evidence, both logical and legal relevance must be carefully considered. Consequently, courts should only admit evidence that carries a substantial degree of probative value.

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