

# Concept of Admission and Study under Indian Evidence Act, 1872

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## Abstract

Admission is extremely significant in legal procedures. The task of the courts is made easier if any of the party to a suit process establishes that the other side has acknowledged his case. The expression Admission is voluntary acknowledgment of the validity or reality of a given fact is referred to as truth. However, under the Indian Evidence Act, 1872 an admission is defined as any statement, whether verbal, written, or in electronic mode, that draws a conclusion to any facts in dispute or relevant fact, and also is made by any of the individuals and under the conditions listed in the same act. Admission could be formal or informal. Admissions is sometimes mistaken with the phrase Confession; however, the two terms have various differences, and confession is a component of admission. Admissions could be either self-harming or self-serving statement. Testimony of self-harming statement is admissible in court. Admission is significant evidence that is accepted by a court of law. Confession is a claim made by an alleged offender that is used to demonstrate the conduct of an act by him in a criminal trial, it is simply a type of admission. Dying Declaration is a speech delivered by the dying man that reveals the cause for his death soon before the death, it is another type of admissions that is acceptable in court. Under certain conditions, an admission may be established on the behalf of the individual making it. Although admission is not absolute evidence of the subject confessed, they may function as an estoppel as a person cannot refute a fact that he had accepted in court before. Admission is very vital and useful concept used in judicial proceedings as it eases the complexity of proceeding and allows person to confess his action. There are several case laws and landmark judgements which helps understanding admission in better way and also keeps amending the concept of Admission over years. This paper is study of the whole concept of admission and its concept.

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## I. Introduction

### Admission: Meaning and Definition

The term Admission referred to the voluntary acknowledgment of the truth or reality of a given fact. However, admission is interpreted more precisely under the Evidence Act. It exclusively deals with admissions by statement, whether oral, written, or in electronic form. Admission is addressed under Sections 17-23 of the Indian Evidence Act of 1872<sup>1</sup>. It must be exact, unmistakable, and conclusive.

As per section 17<sup>2</sup> of the Indian Evidence Act of 1872, an admission is an utterance or words that makes some interpretation as to the presence of a reality in dispute or a fact relevant to the dispute. In general, the phrase admission involves agreeing to some other person's testimony as the admittance made outside of court is accepted in evidence. In reality, a point or statement has been acknowledged.

The elements of proof of admission are discussed in *Basant Singh vs Janki Singh and Others*. It indicates the<sup>3</sup> lack of distinction between a pleading party's admittance and other admissions. The admissions should be confirmed and validated by the party that may use it as testimony against either, and it must only be utilized in that particular litigation. An admission may only be evaluated in its entirety and can't be broken down into sections. To have a significant evidence consequence, admission should be voluntarily. Admissions made in ignorance, whether by authorized or illegal physical pressure. Admission is based only on circumstantial evidence. Clear admissions are recognized to be the finest substantiation of the facts provided.

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<sup>1</sup>The Indian Evidence Act, 1872 (Act 01 of 1872), ss. 17- 23.

<sup>2</sup>The Indian Evidence Act, 1872 (Act 01 of 1872), s. 17.

<sup>3</sup>*Basant Singh v. Janki Singh*, 1967 AIR 341, 1967 SCR (1) 1.

### **Kinds of Admission**

Admission has three forms –

1. **Formal Admission** - Formal admission also known as judicial admissions are admissions made by a party throughout the course of the lawsuit. For instance, a statement made in the presence of a Magistrates by a party to a lawsuit during the hearings. There's no requirement to establish the facts in situations involving formal admissions. According to Section 58 of the Indian Evidence Act, facts that are judicially acknowledged do not need to be established.
2. **Informal Admission** - Informal Admissions are informal exchanges that occur without the knowledge that they may be utilized in potential lawsuits. Informal or casual admissions are also ones that are informal in character and do not show on the case files. For instance, a murder suspect received injuries and informed the doctor about the nature of his injuries throughout his treatment. The statement was seen as an admission.
3. **Admission by conduct** - Admissions made via a person's behavior and actions are referred to as admissions by conduct. For instance –, if an individual tried to run away from a police station during an informal interrogation, this is referred to as admissions by conduct.

The honorable court stated in the matter of *Ajodhya Prasad vs. Bhawani Shanker*<sup>4</sup> stated, unlike judicial admissions, which seem to be legally binding on the parties, extra judicial admissions are just partially binding. The only exception to this rule is when they function as or exhibit the effect of estoppel. It is not required, however, for a remark to go that far in it to be considered an acknowledgment. It will suffice if the statement discloses a fact that leads to a conclusion about his culpability. For example, suppose A is convicted with poisoning B and agrees to purchasing poison. This phrase implies that A is a murderer unless he can demonstrate that he needs the poisons for a honest purpose.

### **Who can make Admission**

Section 18<sup>5</sup> of the Indian Evidence Act specifies who is authorized to make an admission. As stated in this section, there are five types of people whose words will be treated as admissions in a lawsuit. Listed below are the five classes: -

- **Parties to the proceedings**- Admissions made by a party to a lawsuit as against oneself are deemed important admissions. The word "party" in this context encompasses not just those who enter on the records in that manner, but also individuals who are party to a case without participating. Persons with an interest in the subject matter of the case but who are not party on the file are also deemed parties in the procedures, and their testimonies have the same weight as those of the parties on record. A individual who appears as a participant on the records but has no actual interests in the subject matter has no influence on the individual he is presenting on behalf of via his admissions.
- **By the authorized agent of such party**- Assertions made by an agent in any action would be admissible against the individual he is supporting. However, statements posted by agents are only binding if they are made within the course of his agency. As a result, after the agent's right to meddle has expired, whatever remark he makes after that will have no influence on the principle.
- **Statements made in any representative character**- When a person sues or is charged in a representing capacity, any admission made by themselves will only be admissible if made in their representing character. Any disclosures produced by them in their individual capacities will not be considered admissions.
- **Party having pecuniary or proprietary interests in subject matter**- In any type of litigation when many people are jointly engaged in the subject matter of the suit, any admission made by one of the parties shall be considered as an admission against oneself in addition to the others jointly showing an interest in the subject matter. It makes no difference whether the parties who are jointly engaged in the subject matter sue or are sued jointly or individually. However, for this rule to apply, there must be a prima facie basis demonstrating that the parties alleging or being claimed have a common interest.
- **Predecessor in the title, who was previously in the title** - Any testimony provided by the party to the litigation's predecessor-in-title from whom the parties to the suit gets his title shall be accepted. However, this will only be considered an admission if the statement was made while the predecessor-in-title still held the position not after the title was passed. If title has been passed, the prior owner's remark will not be construed an acknowledgment against the parties.

Section 19 (Persons in Question's Capacity or Liability Could Make Admissions)<sup>6</sup>- Declarations given by a third party to an action are not generally regarded admissions, but this section is an exception to the rule. It relates to

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<sup>4</sup>*Ajodhya Prasad Bhargava v. Bhawani Shanker Bhargava*, AIR 1957 All 1.

<sup>5</sup>The Indian Evidence Act, 1872 (Act 01 of 1872), s. 18.

remarks made by a third party against oneself when such statements influence his position or responsibility and when such liabilities or situation is relevant to be proven as against the party to the claim. In this scenario, the remarks made by the third party would be admissible only if that third party's responsibility or position existed at the time of the litigation.

Section 20 (Admissions by people specifically mentioned by the party to the suit)<sup>7</sup>- Any statement made by such a party would be construed as an acknowledgment against the individual who refers to the third party under this section. This Section makes an exception to the general rule that allegations made by strangers do not constitute admission. Admitting anything is conceding something to the person making the admission. The parts only deal with oral and written admissions. The parts do not include admissions based on behavior. The applicability of such admissions by behavior depends upon Section 8 and its Explanations. As a result, in general, it specifies that strangers' words are not treated as admission.

### **Proof of Admission**

As per Section 21<sup>8</sup>, admissions may be utilized even against party has made the admission but not for the party that makes the admission's own benefit. However, it might be utilized against the party making the admission. This Section also specifies three exemptions to the norm. These are the exceptions: -

- Admission falls within Section 32: This exemption enables an individual to establish his own statements if the circumstances are such that the remark could have been significant in a dispute involving third parties if he was still alive (when veracity is not in doubt it can be brought).
- Declaration as to the bodily sensation of the mental state having fallen under Section 14: The declaration of men's bodies or minds is relevant under Section 14, as is a declaration explaining such facts that indicate the mental state or body made at or concerning the time when this state functioned and is supported by conduct.
- If a declaration is quite relevant, it can be shown elsewhere as relevant fact rather than admissions.

A declaration in the manner of an admissions on a mixed matter of fact and law cannot be construed as an admission under Section 17, since only an admittance of fact compels the speaker, not an admission of law. According to the case of *Ram Bharose Sharma v Mahant Ram Swaroop*, 2001<sup>9</sup>.

A person's admissions, whether it amounts to confession or otherwise, cannot be divided and turned against him in part. An admittance must be utilized in its whole or not at all. It was determined in the 2014 case of *Prakash v State of Karnataka*<sup>10</sup>.

### **Admissions when Irrelevant**

Section 22 Oral Admittances to Document Content<sup>11</sup> - Nobody could be authorized to prove the substance of a document, according to Section 22. Some exceptions to this rule include where the party must provide evidence of the contents of the papers through secondary evidence and when the entire document is lost.

It was determined in the case of *Patel Prabhudas Hargovandas v Heirs of Patel Babubhai Kachrabhai*<sup>12</sup> that under the circumstances of a gift deed, if one of the donors contended that he was an a minor at the time of the deed's implementation. In the deed, he said that he was 22 years old. His word in the deed was held to bind him. It was his responsibility to demonstrate that he was under the age of majority at the time. The document itself must be used to confirm its authenticity. However, if the document is not available, secondary evidence may be used in its place.

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<sup>6</sup>The Indian Evidence Act, 1872 (Act 01 of 1872), s. 19.

<sup>7</sup>The Indian Evidence Act, 1872 (Act 01 of 1872), s. 20.

<sup>8</sup>The Indian Evidence Act, 1872 (Act 01 of 1872), s. 21.

<sup>9</sup>*Ram Bharose Sharma v. Mahant*, Appeal (civil) 1616 of 1994.

<sup>10</sup>*Prakash v. State Of Karnataka*, CRIMINAL APPEAL NO. 1682 OF 2005.

<sup>11</sup>The Indian Evidence Act, 1872 (Act 01 of 1872), s. 22.

<sup>12</sup>*Patel Prabhudas Hargovandas v. Heirs Of Patel Babubhai Kachrabhai*, AIR 2007 Guj 148.

Section 22A (When Oral Admittances as To The Contents Of Electronic Records Are Relevant)<sup>13</sup> - IT Act 2000 included Section 22A. When the authenticity of an electronic record is in issue, only oral confessions about the facts of the electronic version are relevant.

Section 23 (When Admission in Civil Cases Is Relevant)<sup>14</sup> - If there is an express or inferred agreement that testimony of admittance will not be supplied, it will not be submitted before the court. It is just to urge the parties to settle their disagreement in a free and open manner where they can vary the items. It solely applies to civil matters and does not apply to criminal ones. In accordance with this Section, an Admission in a civil lawsuit is not relevant if it is proclaimed that the Admittance should not be provided on the explicit statement made between the parties to the suit, or if the court infers from the situations that the parties have entered into a contract that Admissions will not be given.

Section 21 states that if an Admission is made without prejudice, it will not be deemed relevant.

### **Admission as Estoppel<sup>15</sup>**

According to Section 31 of the Indian Evidence Act, admittance is not conclusive proof of the matter accepted, but they may serve as an estoppel. A person cannot refute a fact that he accepted in court. If it is considered as estoppel, the provisions of Indian Evidence Act Sections 115-117 will apply.

When determining the value to be assigned to an admission, it must be considered as a whole, albeit it is not required that it be recognized or doubted as a whole, i.e., sections of it can be believed and others disbelieved. Though words made in a book cannot be regarded definitive admissions, they can be seen as extra evidence alongside other evidence. This was established in the case of *Dr. Karan Singh vs. State of Jammu and Kashmir and Others*<sup>16</sup>.

### **ADMISSION AS RELEVANT EVIDENCE**

An admission is admissible evidence. Several factors for getting admission in evidence have been proposed. Four such arguments are presented and rigorously evaluated in Phipson on the Evidence Law.

- Admission as a proof-waiver: - The very first is that when a party admits a fact, it eliminates the need to prove that fact over him. It functions as a proof waiver. Section 58<sup>17</sup> of the Indian Evidence Act, 1872 specifically adopts this approach to some extent. According to the section there is no need to justify any fact in any court hearing that the parties or one 's agents agree to acknowledge at the hearing, or even which they accept to admit even before hearing by any written form under their hands, or which by any rule of making a plea in force at the time they are considered to have admitted by their pleas. This part only relates to admissions made willingly with a view to the trial, not to those offered as evidence, which often consist of casual utterances made before lawsuit was planned. Section 58 also has a caveat in its concept that the court may, in its discretion, require the fact accepted before the judge by the party or agent to be proven; whether the court compels the party to show his admission is up to the court. As a result, the court may dismiss an admission whole or partially, or it may request more proof. As a result, waiver of proof cannot be regarded as the sole cause for an admission's relevance.

- Admissions as a statement against interests: - The second stated explanation for admission's relevance is that an admittance, as a declaration against the maker's interest, should be assumed to be truthful, since it is very unlikely that an individual will willingly make any misleading claim against his own interest. However, this is not the sole reason admissions are important. Section 17 does not need that the statement be self-harming; it just requires that the statement make some conclusion as to the fact-in-issue or the relevant fact, regardless of whether the statement is in favor of the declarant. As no one wants to be wrong, the self-harming assertion is more relevant than the self-serving statement. Section 21 of the IEA, 1872, however, provides an exemption to substantiate the self-serving declaration. However, a person's own self-serving remark might occasionally work against him and be used against him as an admission. According to the Supreme Court, a claim in one's own interest is not proof, but a declaration adverse to one's own interest is.

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<sup>13</sup>The Indian Evidence Act, 1872 (Act 01 of 1872), ss. 22-A.

<sup>14</sup>The Indian Evidence Act, 1872 (Act 01 of 1872), s. 23.

<sup>15</sup>The Indian Evidence Act, 1872 (Act 01 of 1872), ss. 31.

<sup>16</sup>*Dr. Karan Singh v. State Of Jammu*, Appeal (civil) 5943-5945 of 1997.

<sup>17</sup>The Indian Evidence Act, 1872 (Act 01 of 1872), s. 58.

- Admission constituting evidence of contradicting statements: - Another factor that contributes to the relevance of admission is a discrepancy between the party's declaration and his case. This type of inconsistency discredits his thesis. The idea is that the party can show all of his opponent's statements regarding the facts of the case, and they do not have to be contradictory with his position.
- Admission as evidence of truth: - The final and most significant and broadly supported reason for admission's relevance is that whatever declaration a party makes about the facts of the case, whether for or against his interest, ought to be relevant as an expression or reflection of the truth as against him. It was remarked in *Slatlerie v. Pcoley* that whatever a person says in evidence against oneself, what a party concedes to be true may be believed to be true.

#### **ADMISSION TO ITS EVIDENTARY VALUE**

Admission is not definitive proof of the confessed fact because it is just prima facie evidence. However, it may serve as an estoppel. The individual can be stopped if he or she denies the statement is true. The admission discussed in this section are termed as evidential admissions, which are admissions for which proof may be provided. In court, the witness might testify that he overheard such and such a person make such and such a comment. The Act addresses another type of admission, known as formal admissions, under Section 58. These are made on purpose with regard to the issues before the court, whereas factual declarations are not made with regard to the specific lawsuit.

Admission is only acknowledged as prima facie testimony, and it may also function as an estoppel. The veracity of the statement may be denied to the individual. As stated in *Banarasi Das vs Kanshi Ram & Others, 1963*<sup>18</sup>, "it is a poor kind of evidence, and indeed the court may dismiss it if the contrary is proven."

Likewise, in *Bishwanath Prasad et al. vs. Dwarka Prasad (dead) & Ors., 1974*<sup>19</sup>. The Supreme Court decided that admissions are not conclusive proof of the subject accepted, but are substantial in character on their own. Second, it makes no difference whether the party is having them appear as witnesses or not, as long as the admission is fully proven. Finally, admission will be acceptable even if the party is not called as a witness.

The court concluded in *Tara Singh v. State, 1951*<sup>20</sup> that testimony in the committal court cannot be utilized in the Sessions Court until the witness is presented with his earlier statement, as required by Section 145 of the Evidence Act. Of course, the witnesses can be cross-examined on the earlier statement, and that cross-examination can be used against him in Sessions court. If that satisfies the prosecution's goal, nothing further is necessary; but, if the prosecution chooses to go further and use the earlier testimony to the contrary as substantial evidence, it must present the witness with the portions of it that are to be used to oppose him.

#### **ADMISSION& CONFESSION<sup>21</sup>**

##### **Confession – Meaning, Definition& Forms**

The Act makes no mention of confession. The term "confession" first occurs under Section 24 of the Indian Evidence Act. This section is titled Admission, so it is evident that confessions are really only one kind of admission. A confession is an acknowledgment made by a person accused with a crime at any moment expressing or implying that he committed that act. Lord Atkin remarked in *Pakala Narayan Swami v Emperor*<sup>22</sup> that "a confession must either accept in terms the guilt or at least substantially all the circumstances constituting the offence." An acknowledgment of a profoundly embarrassing fact, even if indisputably incriminating, is not a confession in and of itself."

The Supreme Court upheld the Privy Council's verdict in the *Pakala Narayan Swami* case on two counts in the case of *Palvinder Kaur v The State of Punjab*<sup>23</sup>. To begin, confession is defined as either admitting guilt in phrases or admitting essentially all of the facts that form the offence. Furthermore, a mixed-up confession that, although containing certain confessional statements, would nonetheless result in acquittal is not

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<sup>18</sup>*Banarsi Das v. Seth Kanshi Ram, 1963 AIR 1165 1964 SCR (1) 316.*

<sup>19</sup>*BISHWANATH PRASAD v. DWARKA PRASAD (DEAD), 1974 AIR 117 1974 SCR (2) 124 1974 SCC (1) 78.*

<sup>20</sup>*Tara Singh v. The State, 1951 AIR 441, 1951 SCR 729.*

<sup>21</sup>*M.Mano and K.Roja, "A comparative study between admission and confession" 120 International Journal of Pure and Applied Mathematics 1-8 (2018).*

<sup>22</sup>*Pakala Narayana Swami v. Emperor, (1939) 41 BOMLR 428.*

<sup>23</sup>*Palvinder Kaur v. The State Of Punjab, (1952 AIR 354, 1952 SCR 94.*

a confession. As a result, a statement containing self-exculpatory information that, if accurate, would nullify the issue or offence cannot be considered a confession.

However, in the judgment of *Nishi Kant Jha v State of Bihar*<sup>24</sup>, the Supreme Court declared that there was absolutely nothing improper with relying on a portion of the confession and dismissing the remainder, and the Court drew justification for this position from English precedents. When there is sufficient evidence to exclude the executory portion of the accused's words, the Court may insist on the inculpatory portion.

The two forms of confession are Judicial Confession and Extra-Judicial Confession. Judicial Confessions are for those statements which are made as a part of legal procedures in front of a magistrate and in court. A judicial confession is described as a plea of guilty based on arrangement made, if voluntarily given by a subject in a competent condition of mind. Extra-judicial confession would be those given by the guilty outside of a magistrate or in court. It is not required that the comments be directed to a specific individual. It may have taken the shape of a prayer. It might be a private admission to a private individual.

#### **Difference between Admission and Confession**

Sections 17 to 31 engage with admission in general, and Sections 24 to 30 concern on confessions as distinct to admission. Basic difference between the both are –

- Confession is a point made by an accused that is actively seeks to be proven against him a judicial case in order to establish the commission of an offence by oneself, whereas admission generally refers to a civil transaction and includes all assertions amounting to admission defined in section 17 and made by persons mentioned in sections 18, 19, and 20.
- Confessions, if given knowingly and freely, may be considered as conclusive of the facts confessed by an accused, whereas admissions, while not conclusive of the facts admitted, may function as an estoppel.
- Confessions always go against the individual making them, however admission can be used on their behalf under the exemption of Section 21 of the Evidence Act.
- Confessions made by one or so more defendants simultaneously charged on the same offence could be utilized against the co-accused, however admission by one of the multiple defendants in suit is not accepted as evidence against the remaining defendants.
- Confession is a written or oral declaration that is a direct admission of suit, whereas admission is an oral or written statement that makes an inference regarding the culpability of the person who makes the admission.
- Confession is exclusively used for criminal offences, whilst admission can be used for both civil and criminal offences.

As mentioned in *Ram Singh v. State*<sup>25</sup>, the basis that separates a confession out of an admission is that when convictions may be based only on the statements, it is a confession, and where some supplemental evidence is required to permit a conviction, it is an admission. Other criteria is whether the defense relies on the claim as true or untrue. If the defense believes on the declaration as false, it is admission. In criminal situations, an admission is a remark made by the accused that does not equal to a confession but raises the possibility that the accused committed the crime.

#### **Confession to the Police not to be Proved**

Grounds for removal of confession to police is One type of confession that is considered involuntary under the Evidence Act is those made to a policeman. Section 25<sup>26</sup> specifically states that such declarations are not admissible as evidence. If police testimonies could be used as evidence, the police might abuse the guilty, forcing him to admit to a crime he may not have done. A confession received in this manner would logically be untrustworthy. It would not be voluntarily. Such an admission will be irrelevant regardless of its form, whether direct, express, implicit, or inferred from behavior.

Section 26 of the Indian Evidence Act states that a confession made by the suspect while in police detention cannot be utilized against him. The only exception to this rule is if the confessions was made in the direct presence of a Magistrate while in the police officer's custody.

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<sup>24</sup>*Nishi Kant Jha v. State Of Bihar*, 1969 AIR 422, 1969 SCR (1)1033.

<sup>25</sup>*Ram Singh v. State*, AIR 1959 All 518, 1959 CriLJ 1134.

<sup>26</sup>The Indian Evidence Act, 1872 (Act 01 of 1872), s. 25.

Section 27<sup>27</sup> of the Indian Evidence Act is an exemption from sections 25 and 26 since it allows for the proof of statements given in police custody. The following Section 27 conditions must be met:

- There needs to be the identification of a fact as a consequence of data obtained from a person charged of any wrongdoing.
- A policeman must have possession of the accused.
- Such data should be directly related to the found fact.

The idea of proof by later facts was incorporated into section 27 of the Indian Evidence Act in *Navaneethakrishnan vs the State by Inspector of Police (2018)*<sup>28</sup>. According to this theory, a statement given in police detention is subject to future factual discovery.

According to Section 29<sup>29</sup> of the Indian Evidence Act, if this type of confession is quite significant, it is not deemed irrelevant simply because it was produced under an assurance of secrecy or as a result of deception or while he was intoxicated, or because it was given in response to questions that he did not need to respond, or because he was not notified that such confession might be used against him.

Section 30<sup>30</sup> of the Indian Evidence Act concerns with the court's examination of a proven confession made by an individual impacting the individual making it and those who are being tried concurrently for the same crime. Section 30 has the elements when more than one person is tried jointly, the trial involves the same offence, one of such individuals makes a confession affecting himself as well as other such persons, and such admission is proven. It was decided in *Kashmira Singh vs the State of Madhya Pradesh (1952)*<sup>31</sup> that confessions of a co-accused are a poor sort of evidence since it is not needed to be submitted under oath and cannot be examined by cross-examination.

#### **DYING DECLARATION AS ADMISSION**

##### **Dying Declaration: Meaning & definition**

Section 32 (1)<sup>32</sup> of the Indian Evidence Act describes dying declaration as, when a person makes a declaration as the reason of his dying, or as any one of the conditions or facts of the event that led to his death and the causes of that person's death is called into doubt. Such remarks that the individual makes are significant regardless of whether the individual who made it was dead under the assumption of death, and irrespective of the nature of the procedure during which the reason of his death is called into question. The person who records the dying declaration can verify it, and it is not comprehensive unless the full names and addresses of the people concerned are included.

##### **Characteristics of Dying Declaration**

- The court ruled that death declarations made by signs, gestures, or glances are valid evidence. This evidence has been used to decide several trials, including the *Nirbhaya* case.
- When a person discloses the name of the killer to a person present and writes it down, it is a meaningful deathbed pronouncement.
- In contrast to the normal rule of evidence, an oral dying pronouncement is admissible as evidence.
- A confession made by the person who is dying that is determined to be incomplete cannot be utilized as evidence.
- When an injured individual filed a FIR but afterwards died. It was deemed significant as a deathbed declaration in *K. Ramchandra Reddy vs. Public Prosecution*<sup>33</sup>.
- The court cannot reject or reject the deathbed declaration only on the basis of language. As far as practicable, it should be reported in the declarant's actual words and terminology. In *Deepak Baliram Bajaj vs.*

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<sup>27</sup>The Indian Evidence Act, 1872 (Act 01 of 1872), s. 27.

<sup>28</sup>*Navaneethakrishnan v. The State By Inspector Of Police, CRIMINAL APPEAL NO. 1134 OF 2013.*

<sup>29</sup>The Indian Evidence Act, 1872 (Act 01 of 1872), s. 29.

<sup>30</sup>The Indian Evidence Act, 1872 (Act 01 of 1872), s. 30.

<sup>31</sup>*Kashmira Singh v. State Of Madhya Pradesh, 1952.*

<sup>32</sup>The Indian Evidence Act, 1872 (Act 01 of 1872), s. 32(1).

<sup>33</sup>*K Ramachandra Reddy v. The Public Prosecutor, 1976 AIR 1994, 1976 SCR 542.*

State of Maharashtra<sup>34</sup>, a lady died as a result of 100% severe burns. Questions were requested in Sindhi by the Special Executive Magistrate and answered in Sindhi before being transcribed to the policeman in Hindi, who then wrote them in Marathi. The statement was explained to the declarant in Hindi rather than Sindhi. The Supreme Court ruled that the judgement could not be upheld merely on such a dying declaration.

- A deathbed pronouncement can be recorded by anybody, even a police officer. However, it will have more strength and dependability if it is recorded by a Judicial Magistrate. The Delhi High Court ruled in *Ram Singh vs. Delhi Administration*<sup>35</sup> that a clear and confirmed deathbed declaration cannot be disregarded just because it was documented by a police officer.

### **Dying Declaration Admissibility**

A deathbed pronouncement that is actually based on the concept of "Nemo moriturus proesumitur mentiri" is allowed as proof which means that man will not meet his god with a lie in his mouth. A dying declaration does not need to be corroborated as long as it inspires faith in the Court and is free of any sort of coaching. In the matter of *Uka Ram v. Rajasthan State*,<sup>36</sup> The court concluded that a deathbed confession is admissible if it is made under extreme circumstances; when the maker of the statement is at his bedside, every hope of this life is gone; and every motivation of untruth is quiet and the soul is driven to express the truth. According to Indian law, "a dying man seldom lies." Thus, it is an form of admission of deeds which is not corroborated.

## **II. Conclusion**

Hence, an admission is valid evidence under the court of law. It has concept of confession and dying declaration under it. Several requirements relied on the dying declaration plus confession that it must be performed in an appropriate way since they served as powerful proof. Although admission and confession is synonymously used they are distinct from each other and confession is mere part of admission. Also, the validity of a dying declaration was recognized in our Indian court since the law tends to suggest that a man will never lie in his final leaving statements, as no one will face his maker with an untruth on his lips. Whereas if dying declaration is proved to be intentionally made, the court has the authority to reject it.

Evidence is important and critical part in both criminal and civil trials. It is the most important and necessary component of any action. If the facts are significant and credible, the testimony should always be admitted in court. The proof must fulfil all of the code's particular provisions. In my opinion admissions should take into account both in rational and practical relevance. As a result, the courts should admit those facts that have a significant level of evidentiary value and will aid the courts.

As per my opinion legislation governing evidence is out of date and has to be revised in order to work properly. As the law is ultimate, and no one should be granted the authority to change it and there must be a separation between the laws and the judge's judicial independence. Therefore, a new process for admitting or rejecting specific evidence must be established.

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<sup>34</sup>Deepak Baliram Bajaj v. State Of Maharashtra, 1993 (3) BomCR 72, 1993 CriLJ 3269.

<sup>35</sup>Delhi Administration v. Ram Singh, 1962 AIR 63, 1962 SCR (2) 694.

<sup>36</sup>Uka v. State Of Rajasthan, Appeal (crl.) 749 of 2000.