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**A CRITICAL ANALYSIS OF ORAL ADMISSION UNDER INDIAN
EVIDENCE ACT 1872**-Denu Kena¹**ABSTRACT**

The importance of evidence in the judicial process cannot be overstated. At the courtroom, the evidence which determines whether or not the convict is guilty. There are two forms of evidence: oral and documentary evidence. Oral evidence, as the name implies, is a witness's verbal testimony used as evidence in court. All oral evidence may be accepted in court, although there are certain exceptions and conditions that the evidence must satisfy. This is valid for documentary evidence as well. The written statement or records in written or printed format provided as evidence in courts is referred to as documentary evidence. As a consequence of the malpractices that occur during the submission of evidence in court, these criteria were established in order to protect the victim of the crime from achieving the justice that they deserve. Regardless of the form of evidence, either oral or documentary, it must first pass through a basic moral evidence phase that is agreeable to our senses and satisfies our brain. If it passes this simple degree of transparency, the next step is to determine if the proof is involved in any malpractices. Thus, this paper will focus on a thorough examination of the evidence and its exclusion from the judicial process.

INTRODUCTION

Section 17 of the Indian evidence act 1872, defines the term admission. According to the definition, an admission is a statement, whether oral, written, or electronic, that indicates some inference as to any fact in issue or related fact, and is made by any individual under the circumstances set forth below². Admission has been discussed in Sections 17 to 23 and 31. Strictly speaking, whereas Sections 24 to 30 are also admission, but they are used as confession.

¹ 3rd year BA LLB (Hons.) student of Alliance University, Bangalore.

² Section 17 of the Indian evidence act 1872.

In civil cases, the term "admission" is used, while in criminal cases, the term "confession" is used under the English law. The Indian Evidence Act, on the other hand, does not make such distinctions.

It is essential that an admission be clear, accurate, and not ambiguous. While not definitive, an admission is the best evidence that an opposing party may depend on, and unless proven incorrect or validly permitted to be removed, it is vital on the point.

- I. The party seeking to prove them must demonstrate that he is entitled to provide secondary evidence of the contents of such documents³;
- II. The authenticity of a document produced is in question.

The English law on the matter was laid down in *Slatterie v. Pooley*⁴, where it was held that an oral acknowledgement by a party as to the contents of a document is admissible, even though the document may have been used against him, when the contents are directly in issue. Although this leading decision has influenced the field in England since 1840, it has been widely criticised and has been modified. In the Irish case of *Lawless v. Dueale*, the judge stated that the doctrine established in *Slatterie v. Pooley*⁵ is a rather dangerous proposition. This report is part of a larger examination into oral admissions.

Admissions are statements that are entirely or partially contradictory to a party's case, whether express or implied, oral or written. It may be either formal or informal.

Formal admission: Formal admissions can be made orally or in writing, including admissions made in response to a notice to admit, at a case management conference, or at a hearing for other directions.

Informal admission: Informal admissions are just items of evidence that can be refuted or explained away at trial by other evidence. They are admissible in evidence by virtue of the Civil Evidence Act 1995, despite the fact that they are hearsay in the context that they are assertions made other than by an individual when providing oral evidence at trial and are adduced as evidence of the facts asserted⁶.

When a party makes an informal admission personally, the only conditions for admissibility are:

- that the statement be at least partially adverse;

³ M. Momir, *The Law of Evidence*, (12th Edition, Universal Law Publishing an imprint of Lexis Nexis, 2021).

⁴ *Slatterie v. Pooley*, (1840) 6 M and W 664.

⁵ *Slatterie v. Pooley*, (1840) 6 M and W 664.

⁶ Kant Mani, *Law Of Oral Evidence And Arguments*, (Kamal Publishers, 2020).

- that the statement be made in the same legal capacity in which the party is now suing or being sued; and
- It is acknowledged that the declaration has been received in its entirety

An admission is a statement of facts that waives the requirement of producing evidence and states that the fact asserted by the opponent is correct. Admissions are made because a party's conduct in a proceeding, whether by actions, speaking, or writing, in relation to the subject matter in question, which is obviously inconsistent with the reality of his contention, is a fact relevant to the issue. The admissions are a very weak type of evidence, and the court can reject them outright if it believes they are false. Admissions defined in Sections 17 and 20 of the Indian Evidence Act that satisfy the mandatory requirements of Section 21 of the Indian Evidence Act are substantive evidence, according to the Supreme Court. In a number of cases, the Court has held that an admission is the strongest evidence against the party who makes it, and that, while not conclusive, it shifts the burden of proof to the maker⁷. This change in onus is due to the principle that what a party admits to be true can be fairly believed to be true, and hence the admission must be taken as true until the presumption is rebutted.

A statement that would be used as an admission must be clear, precise, and unambiguous, as well as in the person's own terms, and this must be proven. It is not an admission to be made as a result of anyone's interference. To be worthy of being accepted in evidence, considered, and relied upon, an admission first has to be a clear and accurate statement made by that individual in his own words. It must be proven that the statement was made by the person who made it. An admission must be analysed in its entirety rather than in parts. Pleadings statements are admissions against the party making them. He cannot be permitted to rely on the parts that are favourable to him and throw the rest out on the grounds of oral evidence⁸.

In *Union of India v. Moksh Builders and Others*⁹, the Supreme Court held that an admission is substantive evidence of the fact admitted, and that when properly proven, it is valid regardless of whether the person making the admission made it in the witness box or not, and whether he was challenged with those statements or not in the case he made a statement contrary to his admissions. The court quoted WIG-MORE ON EVIDENCE as stating that an admission does

⁷ K. A. Pandey, V. P. Sarathi's Law of Evidence, (8th Edition, Paperback publishers, 2021).

⁸ Agila.S , Roja.K, *A critical analysis of oral evidence*, International Journal of Pure and Applied Mathematics Volume 120 No. 5, 955-961, 2018, <<https://acadpubl.eu/hub/2018-120-5/2/102.pdf> >.

⁹ *Union of India v. Moksh Builders and Others*, 1977 AIR 409, 1977 SCR (1) 967.

not have to be in the maker's best interests¹⁰. As a result, it is not necessary to bring an admission to the notice of the party who made it before admitting it as evidence. It makes no difference about whom a confession is made. An admission made to a stranger is also acceptable in the court of law.

The terms admission and confession are used differently in English law to describe various circumstances. When dealing with civil cases, the word "admission" is used, while when dealing with criminal cases, the term "confession" is used to mean "the admission of guilt."¹¹ Under sections 17 and 18, statements made by the accused are admissions and prima facie evidence against the maker, but not in his favour. The term "confession" has never been defined. As a result, a confession is a statement made by an accused person admitting his or her guilt. When a person accepts his previous statement, it is referred to as an admission. Admissions are not conclusive evidence, but may stop. Admissions do not constitute definitive evidence of the matters admitted, but they may serve as estoppels under the following provisions¹².

Admissions aren't conclusive proof of the matters admitted¹³; however they may operate as Estoppel under the provisions of this Act, consistent with Section 31. The provision is supplemented by Section 58, which states that "Facts admitted do not need to be proven." It states that no facts need to be proven in any proceeding that the parties hereto or their agent agreed to admit at the hearing or that they agreed to admit before the hearing by any writing under their hands, or that they are deemed to have admitted by their pleading by any law of pleading enforced at the time.

CONCLUSION

An oral admission is considered evidence against a person that makes a misleading statement that may or may not be legally binding. Whether or not the person making the admission sat in the Witness box, duly proven admissions are admissible evidence. In fact, admission is the most substantive evidence on which the opposing party can rely. Unless the Party to whom they are rendered has acted on and thus altered his detriment, the evidentiary

¹⁰ Agila.S , Roja.K, *A critical analysis of oral evidence*, International Journal of Pure and Applied Mathematics Volume 120 No. 5, 955-961, 2018, <<https://acadpubl.eu/hub/2018-120-5/2/102.pdf> >.

¹¹ Kant Mani, *Law Of Oral Evidence And Arguments*, (Kamal Publishers, 2020).

¹² K. A. Pandey, V. P. Sarathi's *Law of Evidence*, (8th Edition, Paperback publishers, 2021).

¹³ Tan Yock Lin, *Weight of Oral Evidence in Criminal Proceedings*, Singapore Journal of Legal Studies, pp. 443-482 , 2000, <<https://www.jstor.org/stable/24868147> >.

value of admission only by the government is only valid and not conclusive.

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