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## Revisiting Admissions and Confessions under the Bharatiya Sakshya Adhiniyam, 2023: Continuity or Change?

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### ABSTRACT

Sections 15 to 25 of the Bharatiya Sakshya Adhiniyam, 2023 deal with admissions in general, while Sections 22 to 25 deal with confession. Although admissions may serve as estoppel, they are not regarded as Conclusive proof of anything. A written or spoken declaration that directly acknowledges guilt, but it is given before the Magistrate is called a confession. The most crucial component of BSA is admissions and confessions. We shall examine the modifications to the admissions concept in Bharatiya Sakshya Adhiniyam 2023 in this research paper.

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### Introduction

*“Statement is Genus*

*Admission is Species*

*Confession is Subspecies”*

Admission is considered as a substantive piece of evidence. Admission must always be taken as a whole, neither accepted in parts nor rejected in parts. Admission must be voluntary. Confession is also considered as part of admission. Confession must be voluntary and unambiguous. Confession is always against the maker. If we make comparison between Indian Evidence Act 1872 and Bharatiya Sakshya Adhiniyam 2023, then Section 17 to 31 of Indian Evidence Act concerns with admissions and confessions. But Section 15 to 25 of BSA deals with admissions. Confession given to the police officer and in the custody of police is considered as irrelevant. Under the Constitution of India, there is Article



20 (3) deals with Self incrimination, No person is compelled to give statement against himself by any person. This Article of the Indian constitution provides protection to the accused person. In Bharatiya Sakshya Adhiniyam there are also some changes in this part of admissions which we will discuss in the upcoming part of this research paper.

### **Definition of Admission**

Sec 15 of the Bharatiya Sakshya Adhiniyam,2023 defines the term admission, *An admission is a statement, so it means statement is a genus, either oral / documentary / 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.* If any person having 2 evidences available then he will give the best evidence. If they have primary and secondary evidence then they give primary evidence in the court. This definition which will be given by in the Bharatiya Sakshya Adhiniyam 2023 is incomplete definition. So in this definition nothing is clear. The word inference is used in this definition but they do not say either positive inference is taken or negative inference.

### **Who can make admission?**

**First,** parties to the proceeding.

**Second,** agent.

**Third,** persons who have representative character includes karta and partners.

In Joint Family, whatever the statement given by Karta is binding on all the members of the family.

**Fourth,** Persons who have proprietary interest in the subject matter.

**Fifthly,** Persons who have any pecuniary interest in the subject matter.

### **Ques. Whether the third party admissions are allowed under Bharatiya Sakshya Adhiniyam?**

**Yes, According to Section 17,** if any persons position will prove as against party to the suit then it also considered as Admission. Example – I have one house in Jalandhar, give on rent to Vipan kumar. Rent is 20,000 per month. Appoint Akhilesh Basra to collect rent from Vipan kumar on monthly basis. Every month Akhilesh Basra sent rent amount to me in my bank account. In June 2025 month Akhilesh Basra sent Rs 15000 only. I call to Akhilesh Basra, he said that vipan give me only that amount. Then I call to



vipan he said that I paid Rs.20,000 to Akhilesh. Now Vipin is stranger to the suit between me and Akhilesh Basra but his statement is relevant.

**Sec 18** If any matter is referred to third person, whatever the decision given by the third person, it is considered as relevant but the third person is not considered as arbitrator. The third person is selected with the consent of both the parties. Parties will have no coercion, undue influence and pressure of any kind. Example – There is dispute between Poonam Rani and Rashpal Kaur due to some family matter. This matter is referred to Seema Kumari. Now the statement given by Seema Kumari is relevant.

### **Definition of Confession**

The word confession appears for the first time in **Section 22** of the Bharatiya Sakshya Adhinyam. According to **Justice Stephen**, An Admission made by a person charged with a crime at any time, stating the inference that he committed that crime.

In **Pakala Narayana Swami v/s King Emperor**, in this case law they will also define the term confession. A confession must either admit in terms the offense, or at any rate substantially all the facts which constitute the offense.

**A confession must be voluntary** – If any confession is made under inducement, threat, coercion or promise it is considered as irrelevant.

But the inducement, threat, coercion or promise is removed then it is considered as relevant.

Confession is also relevant if it was made under

First, promise of secrecy,

Second, in consequence of a deception practiced on the accused person,

Third, when he was drunk,

Fourth, made in question answer form.

### **Kinds of confession**

- A) **Judicial confession** – Those confessions which are given before the court in the presence of magistrate.



**B) Extra Judicial Confession** – Those confessions which are given by the party to any person other than the magistrate.

**Ques. Whether the confessional statement given to police officer is relevant ?**

**The answer of this question is given in Sec 23 of Bharatiya Sakshya Adhiniyam.**

- 1. The confession given to the police is considered as irrelevant.**
- 2. The confession given by any person to a police officer under his custody is also irrelevant.**
- 3. If confession is given in the presence of Magistrate then it is relevant.**

**Ques. In a case, there are two accused persons, whether the confession made by one accused person is binding on the other accused person.**

The answer of this question is given in Sec 24 of Bharatiya Sakshya Adhiniyam. As per Sec 24 the statement given by one accused person is relevant against the other accused person.

**Case laws deals with Admissions**

*Sahoo v/s State of U.P*

In this case, the court clears that Statement is a Genus, Admission is Specie and confession is a Subspecies. The confession given before the magistrate is binding against the person.

**R. Shaji v/s State of Kerala**

The hon'ble Kerala High Court held that a confession given to the police officer is irrelevant but if any confession is given in the presence of Magistrate is relevant, as required by Section 23 of the BSA. The court stressed the importance of safeguarding the accused rights against coercion, undue influence and threat.

**Balu Sonba Shinde v/s State of Maharashtra (2002)**

The Supreme Court clarified that admissions and confessions, though related, are distinct categories. Admissions are broader and may include any statement adverse to the party's interest, whereas



confessions are explicit acknowledgments of guilt. The court held that for a confession to be admissible, it must be voluntary.

### **Conclusion**

At the end we can conclude that always confession is made voluntary and it is free from any kind of pressure, inducement and coercion. In Admissions, it may be made by the parties to the suit, by agents and also by third parties to the suit. Admissions are not considered as conclusive proof but operate as estoppels. In this research we will try to explain the concept of Admissions in detail with the help of examples.

### **References**

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