



The Bharatiya Sakshya Adhiniyam, 2023

ACT NO. 47 OF 2023

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Instructor

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Section 19: Proof of Admissions Against vs. On Behalf of Persons

GENERAL RULE

gavel Proof of Admissions

Admissions are **relevant and provable against** the person who makes them or their representative in interest.

block The Bar on Self-Proof

They **cannot be proved by or on behalf of** the person who makes them, except under specific statutory exceptions.

EXCEPTIONS

When Admissions Can Be Self-Proved

1. Relevant as Between Third Persons

If the person making the admission were dead, and it would be relevant between third persons under Section 26.

2. State of Mind or Body

Consists of a statement of mind/body, made when such state existed, accompanied by conduct rendering falsehood improbable.

3. Otherwise Relevant

If the statement is admissible and relevant otherwise than as an admission.



Section 19: Illustration (a) – Validity of a Deed (Admissions of Forgery)

THE DISPUTE

Genuine or Forged?

A dispute arises between **A** and **B** regarding a certain deed.

A affirms that the deed is genuine.

B contends that the deed is forged.



ADMISSIBLE

Adverse Statements

Parties can prove admissions made by their opponents:

- **A may prove** a statement by B that the deed is genuine.
- **B may prove** a statement by A that the deed is forged.



EXCLUDED

Self-Serving Bar

Parties cannot prove their own supportive statements:

- **A cannot prove** a statement by himself that the deed is genuine.
- **B cannot prove** a statement by himself that the deed is forged.



Section 19: Illustration (b) — The Ship Captain's Logbook (Self-Proving Exception)

THE CHARGE

Casting Away Ship

A, the captain of a ship, is tried for casting her away.

Evidence is given to show that the ship was taken out of her **proper course**.



THE EVIDENCE

The Logbook Entries

A produces a **business book** kept in his ordinary course of business.

It contains observations written day-by-day, indicating the ship was **not** taken out of her proper course.



ADMISSIBLE

Self-Proof Allowed

A may prove these statements, even though they are self-serving.

These would be admissible between third parties if he were dead, under **Section 26, Clause (b)**.



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Section 19: Illustration (c) — Alibi Letter with Post-Mark (Self-Proving Exception)

THE CHARGE

Crime at Kolkata

A is accused of a crime committed by him at **Kolkata**.

The prosecution alleges his presence at the crime scene on the specified date.

THE EVIDENCE

The Chennai Letter

A produces a **letter written by himself**, dated at Chennai on that exact day.

The letter bears the **Chennai post-mark** of that very day, proving geographical impossibility.

ADMISSIBLE

Self-Proof Allowed

The statement of the date in the letter is **admissible** to prove his alibi.

If A were dead, it would be admissible between third parties under **Section 26, Clause (b)**.



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Section 19: Illustration (d) — Receiving Stolen Goods (Explanatory Conduct Exception)

THE CHARGE

Possession & Knowledge

A is accused of receiving stolen goods, knowing them to be stolen.

The prosecution must establish that A had guilty knowledge of the stolen nature of the items.

THE EVIDENCE

Refusal to Sell Cheap

A offers to prove that he **refused to sell** the goods below their actual market value.

This defense statement acts as an admission, but is put forward on his own behalf.

ADMISSIBLE

Explanatory Conduct

Self-Proof is Allowed in this scenario.

A may prove this, even though it is his own statement, because it is **explanatory of conduct** influenced by facts in issue.



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Section 19: Illustration (e) — Counterfeit Currency (Explanatory Conduct Exception)

THE CHARGE

Guilty Possession

A is accused of fraudulently having in his possession **counterfeit currency** which he knew to be counterfeit.

The prosecution must prove A's mental intent and knowledge of the fake currency.

THE EVIDENCE

Expert Verification

A offers to prove he asked a **skilful person** to examine the currency due to his doubts.

That person did examine it and told A that the currency was **genuine**.

ADMISSIBLE

Explanatory Conduct

Self-Proof is Allowed in this scenario.

A may prove these facts, even though they serve his defense, because they are **explanatory of conduct** showing his lack of guilty knowledge.



Section 20: When Oral Admissions as to Contents of Documents are Relevant

GENERAL RULE

Oral Admissions are Irrelevant

As a starting point, oral admissions regarding the **contents of a document** are strictly **not relevant**.

The law demands the production of the document itself (primary evidence) rather than oral testimonies about what the document contains.

EXCEPTIONS

When Oral Evidence is Admissible

1. Right to Secondary Evidence

When the proposing party shows they are legally entitled to give **secondary evidence** of the contents of such document under subsequent rules.

2. Genuineness in Question

When the actual **genuineness of a document** produced before the court is itself being questioned or disputed.



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Section 21: Admissions in Civil Cases — When Relevant & Exceptions

GENERAL RULE

Admissions are Irrelevant

In civil cases, **no admission is relevant** if it is made under circumstances protecting its confidentiality.

- 1. Express Condition:** Made upon an express condition that evidence of it is not to be given.
- 2. Implied Agreement:** Made under circumstances from which the Court can infer the parties agreed together to withhold evidence of it.