
“Confessions as per the Indian Evidence Act, 1872”

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Abstract

Under the provisions of the Indian Evidence Act, a confession refers to a verbal or written declaration made by an individual who stands accused of a criminal offence, whereby they implicitly or explicitly acknowledge their participation in the offence. The legislation establishes a clear distinction between admission and confession, wherein an admission only recognises culpability, whilst a confession extends beyond acknowledging the perpetration of the offence. To secure the administration of justice, it is imperative for the Court to thoroughly evaluate all further information on the case before relying solely on the confession of the accused as a means to establish culpability.

The concept of admission can be classified into two distinct categories: judicial and extrajudicial. A judicial admission occurs within a formal legal procedure, whereas an extrajudicial admission is made during ordinary activity outside the legal realm. In the legal context, judicial admissions are deemed acceptable in a Court of law according to Section 58. These admissions carry significant probative weight in substantiating or refuting the assertions made by the individual making the admission. Nevertheless, several exceptions exist to this general principle, as elucidated in Section 21 of the Indian Evidence Act.

The classification of confessions varies based on the specific characteristics of the case. Judicial confessions are typically rendered before a magistrate or Court as part of criminal proceedings, whereas extrajudicial confessions are made outside the formal setting of a court. The Court must conduct a comprehensive examination of these confessions to ascertain their veracity and corroborate them with further evidence. In cases where independent and corroborative evidence exists, retracted confessions may retain their admissibility as incriminating evidence against the individual who confessed.

The Indian Evidence Act of 1872 delineates the specific conditions where a confession may be deemed inconsequential. According to Section 24, any confession given by an individual who is accused of an offence is considered immaterial if it was gained using coercive means, including but not limited to compulsion, threats, or promises, by a person in a position of power, such as a magistrate or Court. According to Section 26, it is impermissible for judicial entities to rely on a confession to establish the accused's culpability. Nevertheless, Section 27

of the legislation effectively nullifies this prohibition by permitting the admission of confessions made to law enforcement agents while under arrest as admissible evidence that contributes to the revelation of more facts and substantiates pertinent information.

Keywords: Confession, State, Indian evidence act, Section 17, Case laws, Constitution of India

Introduction

As per the provisions of the Indian Evidence Act, a confession refers to any remark uttered by an individual accused of a criminal offence whereby they indicate or insinuate their involvement in the offence. While the Act does not provide a specific definition or explicit explanation of the term "confession," the interpretation outlined in Section 17 regarding admissions can be used similarly to confessions. Confessions refer to comments made by individuals accused of criminal offences, wherein they provide information that may lead to the establishment of a conclusion regarding a disputed fact or pertinent facts. One may deduce several justifications for reaching a conclusion or proposing that the accused individual is culpable of a criminal offence.

A nuanced distinction exists within the Indian Evidence Act between admission and confession, wherein admission entails the acknowledgement of guilt by the accused party. Confessions represent a more advanced acknowledgement, rendering them more indelible in one's memory. To ensure a comprehensive and just determination of guilt, it is advisable for the Court first to establish the case facts and consider all other relevant evidence before considering the accused's confession.

The process of admission holds significant importance within the context of legal procedures. When one party can provide evidence that the other party has acknowledged the fact in question or pertinent facts, it facilitates the Court's ability to administer justice efficiently. The provisions on admissions are expressly addressed in Sections 17 to 23[1] of the Indian Evidence Act.

Admissions can be categorised as either judicial or extrajudicial, whereby judicial admissions are made within a legal procedure, while extrajudicial admissions occur during regular daily operations. As mentioned earlier, the admissibility of judicial admission or judicial admissions in a Court of Law is fully recognised by Section 58 of the Act. These admissions hold significant probative importance in establishing substantive facts.

The notion of admission and confession has been addressed in the Indian Evidence Act, which defines confession as the explicit and unequivocal acknowledgement of guilt. According to this Act, a confession given by the accused can be utilised as incriminating evidence against them. Nevertheless, it should be noted that confessions made by an

individual do not necessarily serve as definitive evidence of the facts confessed. Instead, the admitted information or facts can only be regarded as substantial or indicative evidence of the admission. A confession is a formal declaration made by an individual accused of doing illegal acts, and it may provide grounds for inferring or implying the individual's culpability in a crime. As mentioned earlier, the statement posits that the individual accused of a crime can construct a narrative that may provide grounds for inferring or suggesting guilt. The notion of confession typically pertains to legal processes without a particular delineation within the legal framework.

Confessions may either support or contradict the veracity of statements according to the requirements outlined in Section 21 of the Indian Evidence Act. According to Section 30 of the Indian Evidence Act, confessions made collectively by multiple individuals concerning the same offence might be used as evidence against other individuals who are also accused of the same crime.

Confessions may vary in nature, contingent upon the specific circumstances of the situation. The term "judicial confession," also called "judicial admission," pertains to the Act of providing statements within a court of law. Conversely, an "extrajudicial confession" denotes the Act of making comments outside the Court or in any other location. The two confessions exhibit distinct values and pertinence in establishing the accused's culpability.

In criminal proceedings, individuals make judicial confessions before a magistrate or Court, whereas extrajudicial confessions are made outside the court setting. The Court must ascertain the voluntariness and authenticity of the accused's confession to prevent the false attribution of deeds to innocent individuals, as stipulated in Article 20(3) of the Indian Constitution.

Extrajudicial confessions, often referred to as extrajudicial admissions, are statements made outside of a formal court setting, which may occur in various locations such as private rooms, during prayer, or via self-reflection. In the Court, both judicial and extrajudicial confessions are admissible, albeit they possess distinct evidential or probative worth in establishing factual matters. A conviction will not be exclusively predicated upon a confession; instead, the Court will scrutinise the extrajudicial confession to establish an individual's culpability for any conduct they have perpetrated.

In the case of State of **Punjab v. Bhagwan Singh** [2], the Supreme Court ruled that the evidentiary worth of an extrajudicial confession is enhanced only when it is coherent and persuasive in establishing the case's conclusion. Consequently, the accused cannot be held responsible for a conviction based on their confession if it fails to meet these criteria. The case of Balwinder Singh v. State underscored the significance of credibility in assessing the veracity of a confession, as emphasised by the Supreme Court. The Court is required to conduct a thorough examination of the confessions efficiently, ensuring their validity and

corroborating them with other pieces of evidence. Retracted confessions, which are willingly given by the confessor but afterwards withdrawn or revoked, may be admissible as evidence against the individual confession if they are substantiated by independent and corroborating evidence.

The case of **Pyare Lal v. State of Rajasthan** [3] witnessed the Supreme Court's decision to eliminate the prerequisite that a retracted confession must possess sufficient evidentiary value to serve as a basis for conviction, provided that the Court is convinced of its veracity and voluntary nature. In the case of **Pancho v. State of Haryana**, the Court established that confessions made by co-accused individuals have limited evidential significance and can support the conclusions derived from other probative evidence.

The Indian Evidence Act of 1872 pertains to the circumstances in which a confession may be deemed irrelevant. According to Section 24 of the Act, any confession given by an individual accused of committing an act is deemed irrelevant if obtained through inducement, threat, or promise and is elicited by a person in a position of power, such as a magistrate or Court. For a confession to be considered valid within an academic context, it must meet specific criteria. Firstly, the confession should not be obtained through any incentive, threat, or promise. Secondly, the confession should be directly relevant to the accusation under consideration. Lastly, the confession should be made voluntarily, considering the temporal circumstances or disadvantages that may have influenced the individual's decision to confess.

Confessions provided to law enforcement officials are deemed inadmissible as evidentiary support to establish the defendant's culpability inside a judicial setting. According to Section 26, judicial entities are prohibited from establishing the guilt of the accused solely based on their confession. Section 27 of the Indian Evidence Act pertains to the exclusionary rule regarding the admissibility of confessions made to police personnel during police detention. The legislation permits the inclusion of remarks made by a defendant, including those made to law enforcement officials, to facilitate the identification and substantiation of further pertinent information. This rule permits the inclusion of confessions given to police personnel while in police custody, even if they are recorded in the direct presence of a magistrate. The Supreme Court expounded upon the notion that the admission of this confession can facilitate the exploration of further facts and assist the Court in substantiating other pertinent facts.

The concept of confession

It refers to acknowledging and admitting one's wrongdoing, typically in a religious or legal context, intending to seek forgiveness or absolution.

According to the definition provided by Sir James Stephen, a confession can be understood as a statement made by an individual facing criminal charges, wherein the content of the speech implies or indicates their culpability. While the Indian Evidence Act does not provide a

specific definition of "confession," it is possible to apply the explanation provided for "admission" in Section 17 to confessions. According to Section 17, any remark, regardless of its mode of expression, whether oral or written, that is put out to substantiate a conclusion on the facts or pertinent facts is deemed acceptable as evidentiary material.

It is evident that when a statement is submitted for deliberation in a civil case about a fact in question or pertinent facts, it is deemed a confession. Confession refers to the Act of an individual accused of a criminal offence making a statement that indicates culpability or implies a conclusion regarding a fact that is under consideration or pertinent to the case. An alternative means of conceptualising confession is the acknowledgement made by the defendant during legal processes related to criminal charges.

According to Lord Atkin's ruling in the **Pakala Narayan Swami v. Emperor** [4], the admissibility of a confession is contingent upon its connection to the offence or significant facts on the offence. The individual further observed that acknowledging significant misconduct does not inherently amount to a confession, even if it implicates the individual making the acknowledgement.

The Supreme Court, in the matter of **Palvinder Kaur v. State of Punjab** [5], affirmed the ruling rendered in the case of Pakala Narayan Swami. The authors stated that a confession should only be deemed valid if it acknowledges culpability for a transgression or if the admission corroborates all pertinent details. Moreover, a statement with confessional and exculpatory features cannot be deemed a genuine confession.

In the legal matter of **Nishi Kant Jha v State of Bihar** [6], the Supreme Court underscored the acceptability of selectively utilising a segment of the defendant's statement while disregarding other portions. The origin of this concept can be traced back to English Law, where the Court, upon perceiving sufficient evidence, may choose to disregard the exculpatory portion of a confession and instead rely on the inculpatory portion.

In summary, a confession can be defined as any remark made by a defendant that serves as evidence of their culpability. In the Indian Evidence Act, "admission" and "confession" are employed interchangeably, leading to the acknowledgement of culpability. Nevertheless, a subtle distinction exists between the two concepts, as confessions are regarded as a more substantial form of acknowledgement enhancement. A commonly held assertion is, "Every confession constitutes an admission, but not every admission qualifies as a confession."

In the legal matter of **Baburao Bajirao Patil v. State of Maharashtra** [7], the Court elucidated that before ascertaining a case's factual circumstances, the Court must scrutinise all other pertinent material on the said case thoroughly. In order to ensure the complete administration of justice in assessing the guilt of the accused, it is imperative for the Court to

thoroughly evaluate all available evidence prior to considering the confession made by the accused.

Meaning of Admission

The term "admission" refers to granting entry or acceptance to an individual into a specific institution, organisation, or programme. It typically involves the evaluation of

The Act of admitting evidence or testimony holds significant importance in legal processes. The presentation of an admission by one party about the pertinent facts of the case facilitates the Court's ability to administer justice more efficiently. This is due to the Court's limited requirement for evidentiary processes and minimal involvement in judicial proceedings. The provisions on admissions are explicitly addressed in Sections 17 to 23 of the Indian Evidence Act. Under the Act, admission refers to the voluntary acknowledgement by an individual of specific facts relevant to the matter at hand. In contrast to confession, admission is not comprehensively delineated within the framework of the Indian Evidence Act.

As per Section 17 of the Indian Evidence Act, an admission refers to a statement, whether oral, written, or electronic, that possesses sufficient evidentiary value to establish a fact in dispute or a pertinent fact. The admissions process can be categorised into two distinct modes: formal and informal. Formal admissions, also known as judicial admissions, are made within the context of legal action, whereas informal admissions occur during everyday activity. As mentioned earlier, using formal admissions in courts is permissible under Section 58 of the Act, as they possess a greater probative worth in establishing factual evidence. The admissions made by the party in question are subject to rebuttal, and it is not necessary to provide additional evidence to refute the acknowledged facts unless specifically ordered by the Court.

The Nagindas Ramdas v Dalpatram Ichharam [8] elucidated the legal import of admissions as expounded by the Supreme Court of India. Admissions are commonly perceived as reliable and straightforward, rendering them the most compelling proof for substantiating pertinent facts. Admissions made during routine activity might serve as evidentiary support through oral or written comments provided by either party.

In the context of legal processes in England, the terminology employed differs between civil and criminal cases. Specifically, "admission" is utilised in civil proceedings, while "confession" is employed in criminal proceedings. Nevertheless, within the context of Indian law, it is noteworthy that the Evidence Act does not make significant distinctions between these words, as mentioned earlier. The Act defines a confession as a verbal or written statement made by the accused in which they acknowledge their guilt.

The Supreme Court's decision in the case of **CBI v/s V.C. Shukla (2019)** clearly delineates the concepts of admission and confession. The term "confession" pertains to a deliberate and unequivocal admission of culpability, which might serve as admissible evidence in a legal context against the individual being charged. On the contrary, admissions refer to declarations that acknowledge a particular reality without inherently implying culpability. These statements do not possess the capacity to be deemed as definitive evidence according to Section 4; however, they might be utilised as substantial evidence to establish admission.

Difference between confession and admission

The disparity between confession and admission lies in their respective connotations and legal implications. Confession typically refers to an explicit acknowledgement or declaration of guilt, often made voluntarily by an individual in a legal or religious setting.

The litmus test differentiates between "confession" and "admission" in remarks. The concept of the litmus test posits that a confession is a self-contained statement that carries sufficient weight to establish the guilt of the accused. In this context, the statements alone can convict the accused, while additional evidence is considered an admission when required to substantiate the conviction.

Sr. No.	Confession	Admission
1.	The individual accused of criminal charges provides a confession, which can serve as evidence supporting the inference or conclusion that they are culpable for the committed offence.	When an individual willingly recognises the presence of any relevant facts or information.
2.	The notion of confession typically pertains to legal processes, with no explicit delineation provided within the relevant framework.	The notion of admittance commonly pertains to legal procedures, with section 17 specifically addressing the exact meaning of admission.
3.	If confessions are voluntarily given, they may be deemed conclusive evidence of the facts admitted by the individual confessing.	The concept of admissions can be viewed through the lens of estoppel, as they are not considered definitive evidence regarding the facts acknowledged by an individual who, in their statement, confesses specific facts.
4.	Confessions are frequently employed to contradict or challenge the assertions made by the confessor.	The term "admissions" can refer to the Act of an individual acknowledging or confessing specific facts or utterances, except for those falling under Section 21 of

		the Indian Evidence Act.
5.	According to Section 30 of the Indian Evidence Act, confessions made collectively by multiple individuals to commission a shared offence can be admissible as evidence against other co-accused individuals implicated in the same criminal Act.	As previously noted, it is commonly understood that admissions made by an individual about specific facts hold little probative evidence value and hence cannot be used against the person making such admissions. Therefore, the statements by various individuals wearing the same attire cannot be utilised as substantiating proof against others.
6.	Confession refers to the explicit acknowledgement of pertinent information or facts on a given situation, which can be conveyed by either a written or spoken declaration.	The concept of admission pertains to determining an individual's responsibility for acknowledging the veracity of facts or events through oral or written assertions.

In the legal case of **Sahoo v. the State of U.P.** [10], a recently married woman moved into her husband's residence. Subsequently, the accused individual committed the Act of homicide against his daughter-in-law. Following the murder, the accused exclaimed, "I have finished her," which several of his neighbours overheard. In this particular instance, the Court noted that the comments uttered by the defendant need to be viewed as a confession and so classified as confessionary evidence.

References

1. The Indian Evidence Act, often known as Act No. 1 of 1872,

2. MANU/SC/0035/1952

The case of Bhagwan Singh versus The State of Punjab (30.04.1952 - S.C.): MANU/SC/0035/1952 is a significant legal matter brought before the Supreme Court.

3. MANU/SC/0152/1962

The case of Pyare Lal Bhargava versus State of Rajasthan (22.10.1962 - S.C.) is a significant legal matter discussed in the MANU/SC/0152/1962.

4. MANU/PR/0001/1939

The case of Pakala Narayana Swami against Emperor, which was heard by the Privy Council on January 20, 1939, is referenced as MANU/PR/0001/1939.

5. MANU/SC/0038/1952

The case of Palvinder Kaur v. The State of Punjab (22.10.1952 - S.C.): MANU/SC/0038/1952

6. MANU/SC/0060/1968

The case of Nishi Kant Jha versus The State of Bihar (02.12.1968 - S.C.): MANU/SC/0060/1968 pertains to a legal dispute that was brought before the Supreme Court of India.

7. MANU/SC/0073/1971

The case of Baburao Bajirao Patil vs. State of Maharashtra (19.02.1971 - SC) pertains to the legal proceedings that took place in the Supreme Court of India. The case is documented under the citation MANU/SC/0073/1971.

8. MANU/SC/0417/1973

The case of Nagindas Ramdas versus Dalpatram Ichharam and others. The given alphanumeric code, MANU/SC/0417/1973, represents a specific reference related to a legal case that was heard by the Supreme Court of India. The code includes the date of the case, November 30, 197

9. MANU/SC/0168/1998

The case of Central Bureau of Investigation v. V.C. involves a legal dispute between the Central Bureau of Investigation and an individual identified as V.C. Shukla et al. The given reference, MANU/SC/0168/1998, pertains to a legal case that was decided on March 2, 1998.

10. MANU/SC/0071/1965

The case of Sahoo vs. State of Uttar Pradesh (16.02.1965 - S.C.) is documented as MANU/SC/0071/1965.

Books

1. The Indian Evidence Act, enacted in 1872, was authored by James Fitzjames Stephen.

2. The subject of discussion is the Indian Evidence Act, specifically Act No. 1 of 1872, authored by Sir Henry Stewart Cunningham in the year 1872.

3. The scholarly work titled "D. Field's Law of Evidence in India and Pakistan" authored by Charles Dickenson Field and T. L. encompasses a comprehensive examination of the legal principles and regulations governing the admissibility and evaluation of evidence in the aforementioned jurisdictions. In the year 1970, Venkatarama Aiyar's work can be found in a limited preview.

4. The Indian Evidence Act, often known as Act No. The document titled "The Indian Evidence Act of 1872: As Amended by Act by India, Tarapada Banerji · 1896" is a legal text that outlines the provisions and amendments made to the Indian Evidence Act of 1872. This document, authored by Tarapada Banerji in 1896, serves as a comprehensive resource for understanding the legal framework and modifications introduced to the Indian Evidence Act during that time period.

5. The subject of discussion is the Indian Evidence Act, namely No. 1 of 1872, which has undergone amendments as per the Act by India, under the authorship of Sir Henry Stewart Cunningham in the year 1873.

6. This commentary provides an analysis of the Indian Evidence Act of 1872, authored by Dr. Pushkal Kumar Pandey in the year 2020.

7. In the year 1867, John Bruce Norton authored a comprehensive work titled "The Law of Evidence applicable to the Courts of the East."

8. The topic of discussion is the foundational principles of the Indian Evidence Act, as presented by Dr. Shashikant Singh.

9. The Indian Evidence Act, often known as Act No. The work titled "I of 1872" was authored by Sir Henry Stewart Cunningham in the year 1878.

Online resources

1. <https://tinyurl.com/yrmu5uss>

2. <https://lawbhoomi.com/admissions-and-confessions-in-evidence-act/>

3. <https://blog.iplayers.in/confessions-under-the-indian-evidence-act/>

4. <https://www.legalserviceindia.com/legal/article-138-admissions-and-confessions-under-indian-evidence-act-1972.html>

5. <https://www.lawinsider.in/columns/admission-under-the-indian-evidence-act-1872-how-is-it-different-from-confession>
6. <https://portal.theedulaw.com/SingleNotes?title=pcs-j-quetion---explain-admissions-and-confessions>
7. <https://lawcorner.in/difference-between-confession-and-admission/>
8. <https://testbook.com/key-differences/difference-between-confession-and-admission>
9. <https://www.legalservicesindia.com/article/1547/Confession-under-Indian-Evidence-Act.html>
10. <https://www.centurylawfirm.in/blog/confessions-and-admissions-in-indian-law-an-examination-of-the-indian-evidence-act/>
11. <https://www.ricky Chopra.co/all-you-need-to-know-about-confessions-and-admissions-under-the-evidence-law/>
12. https://www.lkouniv.ac.in/site/writereaddata/siteContent/202004050627539144richa_saxena_Law_of_Evidence.pdf
13. <https://bnwjournal.com/2021/05/28/an-overview-of-admission-and-confession-under-indian-evidence-act-1872/>
14. <https://bnwjournal.com/2021/05/28/an-overview-of-admission-and-confession-under-indian-evidence-act-1872/>