

ILLUSTRATED REVISION LECTURE NOTES

BHARATIYA SAKSHYA ADHINIYAM, 2023

ADMISSIONS UNDER BSA 2023

Sections 15-21 and 25

With Adv. Bhavya Razshree

TOPIC OUTLINE

- 01 Section 15**
Meaning and forms of admission
- 02 Sections 16-18**
Who can make an admission
- 03 Section 19**
Proof and maker's exceptions
- 04 Sections 20-21**
Documents and civil settlements
- 05 Section 25**
Effect, estoppel and exam traps

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A visual guide with statutory rules, illustrations, memory aids and exam-focused checks.

ADVANCED EXAM COMPANION

Admissions: Complete Exam Framework

Sections 15-21 and 25 of the Bharatiya Sakshya Adhiniyam, 2023

THE FIVE-GATE TEST

For every problem, write in this order: (1) identify the statement and inference; (2) identify the maker under Sections 16-18; (3) decide who is proving it under Section 19; (4) apply special limits under Sections 20-21; and (5) state the effect under Section 25.

Master statutory map

Section 15	Defines an admission: an oral, documentary or electronic statement suggesting an inference about a fact in issue or relevant fact, made by a recognised person in recognised circumstances.
Sections 16-18	Identify whose statement may qualify: party or authorised agent; representative party; interested person or predecessor; person whose position or liability must be proved; person expressly referred to for information.
Section 19	Ordinarily permits proof against the maker or representative in interest. The maker cannot prove the maker's own admission unless one of three statutory exceptions applies.
Section 20	Restricts oral admissions about document contents unless secondary evidence is available or the genuineness of a produced document is in question.
Section 21	In civil cases, excludes an admission made on an express or inferable agreement that it will not be given in evidence.
Section 25	An admission is not conclusive proof, but it may operate as an estoppel under the later provisions.

EXAM DISTINCTION

Relevance is not the same as conclusiveness. An admission can be relevant and probative while remaining open to explanation. Estoppel is a separate possible legal consequence.

SECTION-WISE DEPTH

Section 15: Definition and Identification

The definition has four components. Missing any one of them weakens the classification.

Statement	There must be a statement. Conduct alone is not automatically an admission, though accompanying words and independently relevant conduct may matter under other provisions.
Permitted form	The statement may be oral, documentary, or contained in electronic form. Emails, chats, platform messages and digitally stored records are not excluded merely because they are electronic.
Inferential link	The statement must suggest an inference about a fact in issue or a relevant fact. A neutral statement unrelated to the dispute is not converted into an admission simply because a party made it.
Maker + setting	The person making it and the circumstances must fall within Sections 16-18. Section 15 cannot be applied in isolation.

How to write a 5-mark answer

- State the Section 15 definition in one sentence.
- Identify the exact words, document or electronic message relied on.
- Name the fact in issue or relevant fact to which the inference relates.
- Move to Sections 16-18 to justify why this maker's statement counts.
- Conclude only on relevance; reserve weight and estoppel for Section 25.

COMMON TRAPS

Do not say that every statement by a party is automatically conclusive. Do not omit electronic form. Do not discuss confession rules under Sections 22-24 unless the facts actually involve a confession in a criminal proceeding.

Mini problem

A sends an email stating, 'The payment was due on 1 June, but I could not arrange funds.' The due date is disputed. Identify the email as an electronic statement; connect it to the disputed due date; establish that A is a party; then discuss proof against A and the non-conclusive effect.

WHOSE STATEMENT COUNTS?

Sections 16-18: The Circle of Makers

Party	A statement by a party to the proceeding is an admission when the Section 15 inferential requirement is met.
Authorised agent	The Court must regard the agent as expressly or impliedly authorised, in the circumstances, to make the statement. Agency alone is not a licence to treat every statement as authorised.
Representative character	A person suing or sued in a representative character must have made the statement while holding that character.
Proprietary or pecuniary interest	The statement must be made in the person's character as interested and during continuance of that interest.
Predecessor in interest	A statement by a person from whom a party derived the relevant interest qualifies if made while that person's interest continued.
Position or liability - S.17	The third person's position or liability must be necessary to prove against a party; the statement must be relevant against that person and made while the position or liability existed.
Express reference - S.18	Where a party expressly sends another person to a named source for information on the disputed matter, that source's statement is an admission.

Statutory illustrations

- Rent collector: B sues A for failing to collect rent from C. If A denies that C owed rent, C's statement that rent was due may be an admission against A under Section 17.
- Horse soundness: A tells B, 'Go and ask C; C knows all about it.' C's statement on soundness is an admission under Section 18.

TIMING RULE

For representative parties, interested persons, predecessors, and persons whose position or liability matters, always ask whether the required character, interest, position or liability existed when the statement was made.

Memory chain

Party - Agent - Representative - Interest - Predecessor - Position/Liability - Express Referee.

WHO MAY PROVE IT?

Section 19: Default Rule and Three Exceptions

DEFAULT

An admission is relevant and may be proved against its maker or the maker's representative in interest. It cannot ordinarily be proved by or on behalf of the maker. This blocks self-serving use of one's own earlier statement.

Exception 1	The maker may prove it when the statement is of such a nature that, if the maker were dead, it would be relevant between third persons under Section 26. Statutory examples include ordinary-course business records and a dated, post-marked letter.
Exception 2	The maker may prove a contemporaneous statement of a relevant state of mind or body when accompanied by conduct rendering its falsehood improbable. Both timing and supporting conduct matter.
Exception 3	The maker may prove the statement when it is relevant otherwise than merely as an admission, such as where it explains independently relevant conduct.

Illustration analysis

- Forged deed: each side may prove the opponent's statement against that opponent, but cannot simply tender its own favourable assertion.
- Ship's log: the captain may prove ordinary-course entries because they would be relevant under Section 26 if the captain were dead.
- Counterfeit currency: asking a skilled person to examine currency may be proved because it bears on knowledge and explains conduct.

EXAM FORMULA

Write: default prohibition first; identify the exact numbered exception; prove every condition of that exception; then state that admissibility does not make the statement conclusive.

Negative indicators

- The statement is favourable to the maker.
- It was written down.
- It was repeated later.
- The maker now wants to rely on it.

None of these facts, by itself, creates a Section 19 exception.

SPECIAL LIMITS AND EFFECT

Sections 20, 21 and 25

Section 20	Oral admissions about the contents of a document are not relevant unless and until the proponent shows entitlement to secondary evidence under the Act, or unless the genuineness of a produced document is in question.
Section 21	In civil cases, an admission is not relevant when made on an express condition that it will not be given in evidence, or in circumstances from which the Court can infer an agreement to that effect.
Section 25	Admissions are not conclusive proof of the admitted matter. They may, however, operate as estoppels under the later provisions.

High-value comparisons

Document contents	First establish secondary-evidence entitlement or disputed genuineness.	A witness may always narrate the document.
Civil negotiation	Find an express condition or circumstances proving an agreement not to use it.	Every settlement statement is automatically excluded.
Effect	Relevant weight; explanation remains possible; estoppel may arise separately.	Admission equals conclusive proof.

SECTION 21 EXPLANATION

The advocate-evidence explanation preserves the operation of Section 132(1) and (2). Do not state that Section 21 creates an absolute advocate exemption.

One-line conclusion

The Court may consider the admission with its context and explanation; only a separately established estoppel may bar an inconsistent position.

ANSWER-WRITING TOOLKIT

From Facts to a Structured Conclusion

Step 1: Quote	Identify the precise statement relied on. Avoid describing an entire conversation as a single admission.
Step 2: Inference	Name the fact in issue or relevant fact that the statement tends to establish.
Step 3: Maker	Classify the maker under Section 16, 17 or 18 and apply any timing or authority requirement.
Step 4: Direction	Under Section 19, specify whether the statement is being proved against or by the maker.
Step 5: Exception	If offered by the maker, identify one of Section 19's three exceptions and prove its conditions.
Step 6: Limits	Check documentary contents under Section 20 and civil confidentiality under Section 21.
Step 7: Effect	Conclude under Section 25: relevant but not conclusive; possible estoppel only if separately established.

Model 10-mark skeleton

- Issue: whether the identified statement is a relevant admission and who may prove it.
- Rule: Sections 15, the relevant maker provision, Section 19, any special limit, and Section 25.
- Application: apply each statutory condition to a named fact; do not merely reproduce the section.
- Counterpoint: address authority, timing, self-serving use, document-content rules, or confidentiality as facts require.
- Conclusion: state relevance, permitted direction of proof, and non-conclusive effect separately.

SCORING MOVE

Use section numbers as signposts, but give the statutory condition and apply it. Marks usually come from the condition-to-fact link, not from section-number recall alone.

Quick revision mnemonic

S-M-P-L-E: Statement - Maker - Proof - Limits - Effect.

CORE DISTINCTIONS

Admission, Confession and Estoppel

These concepts overlap in evidence problems but perform different legal functions.

Admission	A statement suggesting an inference about a fact in issue or relevant fact, made by a recognised person in recognised circumstances. It may arise in civil or criminal proceedings and may be oral, documentary or electronic.
Confession	A species of admission associated with an accused and guilt in a criminal proceeding. Sections 22-24 impose special safeguards concerning inducement, police officers, police custody, discovery and joint trial.
Estoppel	A rule that may prevent a person from denying a represented state of affairs when the statutory conditions are met. Section 25 does not make every admission an estoppel; it says an admission may operate as one.
Proof	Section 19 controls the direction in which an admission may be proved. Confessions additionally require the special criminal safeguards to be checked.
Effect	An admission is not conclusive proof. A confession may be highly probative if lawfully proved, but its admissibility and evidentiary use depend on the governing safeguards and facts.

Exam warning

- Do not use 'admission' and 'confession' as exact synonyms.
- Do not import Sections 22-24 into a purely civil admission problem.
- Do not conclude estoppel merely because Section 25 is mentioned; identify and apply the later estoppel conditions.
- Separate admissibility, mode of proof, evidentiary weight and final legal effect.

ONE-SENTENCE DISTINCTION

Every confession is treated within the law of admissions, but not every admission is a confession; and neither is automatically conclusive proof.

STATUTORY ILLUSTRATIONS

Illustration Digest for Exams

S.17 - rent	A undertakes to collect B's rents and denies that C owed rent. C's statement that rent was due is an admission against A because C's liability is necessary to establish.
S.18 - horse	A tells B to ask C whether a horse is sound. C's answer is an admission because A expressly selected C as the source of information on the disputed matter.
S.19(a) - deed	Each party may prove the opponent's adverse statement about genuineness, but neither may prove the party's own favourable assertion merely as an admission.
S.19(b) - ship log	The captain may prove ordinary-course observations because, if dead, those entries would be relevant between third persons under Section 26.
S.19(c) - postmark	A dated letter with a same-day Chennai postmark may be proved by the accused because the date statement would be relevant under Section 26 if the maker were dead.
S.19(d) - stolen goods	A refusal to sell goods below value may be proved by the accused because it explains conduct and is relevant otherwise than solely as an admission.
S.19(e) - currency	Asking a skilled person to inspect suspected currency and receiving an assurance of genuineness may be proved on the issue of knowledge.

HOW TO USE AN ILLUSTRATION

State the statutory rule first, use the illustration by analogy, identify the matching fact, and then explain any factual difference. An illustration assists application; it does not replace the section.

Rapid recall

Rent - Horse - Deed - Ship Log - Postmark - Stolen Goods - Currency.

PROBLEM QUESTIONS

Application Practice

Problem 1	P's authorised sales manager emails that goods were defective. P disputes authority. Discuss the manager's express or implied authority in the circumstances, the inference about defect, proof against P, and Section 25 effect.
Problem 2	A former shareholder makes a statement after selling the entire interest. Test the continuance-of-interest requirement under Section 16(2).
Problem 3	A tells B to consult C about title, then objects to C's answer. Apply Section 18's express-reference rule and limit the answer to the matter referred.
Problem 4	The maker tenders a favourable diary entry. Begin with Section 19's prohibition and ask whether ordinary-course relevance under Section 26 or another independent ground is established.
Problem 5	A witness orally recounts a missing contract. Require proof of entitlement to secondary evidence before using the oral admission about contents.
Problem 6	A settlement email says 'without prejudice' but conduct shows no agreement on confidentiality. Apply Section 21 to the condition and surrounding circumstances, not the label alone.
Problem 7	A party admits a boundary in an earlier message but produces contrary survey material. Treat the admission as relevant, evaluate explanation and context, and avoid calling it conclusive under Section 25.
Problem 8	An accused seeks to prove a contemporaneous statement of illness supported by immediate medical conduct. Analyse Section 19(2): relevant state, timing and conduct rendering falsehood improbable.

SELF-CHECK

For each problem, underline the statement, circle the maker, draw an arrow showing who offers it, box any special limit, and finish with a separate sentence on effect.

DESCRIPTIVE EXAMS

Long-Answer Question Bank

- Define admission under Section 15 and explain its permitted forms with examples.
- Explain admissions by parties, agents, representative parties, interested persons and predecessors under Section 16.
- Discuss Sections 17 and 18 with the statutory rent and horse illustrations.
- Explain why admissions are ordinarily proved against, not by, their maker. Analyse all three Section 19 exceptions.
- Discuss the relevance of oral admissions concerning document contents under Section 20.
- Explain the civil-settlement exclusion under Section 21 and the significance of an express or inferable agreement.
- Critically examine the proposition: 'An admission is the best evidence against its maker and is conclusive.'
- Distinguish admission, confession and estoppel under the BSA framework.
- Solve a problem involving an electronic admission made by an authorised agent.
- Prepare a comparative note on relevance, admissibility, proof, weight and estoppel.

Suggested 15-mark structure

Introduction	Define the concept and identify the governing sections in two or three sentences.
Rule blocks	Use separate headings for definition, maker, proof, special limits and effect.
Illustrations	Use at least one statutory illustration where relevant and explain the analogy.
Application	Tie each statutory condition to a fact; address the strongest counterargument.
Conclusion	State relevance, who may prove the statement, any exclusion, and non-conclusive effect separately.

FINAL REVISION CHECK

Can you state S.15 in one line, list all S.16-18 makers, recall all three S.19 exceptions, identify both S.20 gateways, state the S.21 condition, and give the exact S.25 effect?

VISUAL REVISION BOARD

Four Gates in Pictures

**FORM**

Oral, documentary and electronic statements

**MAKER**

Party, agent, interest, liability and referee

**PROOF**

Against the maker; three return paths

**LIMITS**

Document contents and statutory gateways

COMPLETE THE MAP

After form, maker, proof and limits, always finish with Section 25: relevant evidence is not conclusive proof, though a properly established estoppel may operate.

PRACTICE SET

25 Exam MCQs

1. Section 15 includes: (A) oral only (B) documentary only (C) electronic only (D) all three.
2. An admission must suggest an inference about: (A) any rumour (B) a fact in issue or relevant fact (C) law only (D) character only.
3. An agent's statement qualifies when the Court regards the agent as: (A) employed (B) expressly or impliedly authorised to make it (C) related (D) available.
4. A representative party's statement requires that the representative character existed: (A) at trial only (B) when statement was made (C) at judgment (D) never.
5. A predecessor's statement requires continuance of: (A) friendship (B) possession only (C) relevant interest (D) litigation.
6. 'Go and ask C' most directly invokes: (A) S.16 (B) S.17 (C) S.18 (D) S.25.
7. Admissions are ordinarily provable: (A) only by maker (B) against maker (C) by anyone for maker (D) never.
8. Section 19 contains how many maker-side exceptions? (A) 1 (B) 2 (C) 3 (D) 4.
9. A state-of-mind exception requires a statement made: (A) years later (B) at/about the time plus supporting conduct (C) only before police (D) only in writing.
10. Oral admission of document contents is ordinarily: (A) always relevant (B) restricted by S.20 (C) conclusive (D) privileged.
11. One S.20 gateway is entitlement to: (A) hearsay (B) secondary evidence (C) expert status (D) estoppel.
12. S.21 applies specifically to admissions in: (A) civil cases (B) criminal cases only (C) tribunals only (D) appeals only.
13. Every settlement statement is automatically excluded: (A) true (B) false (C) only oral (D) only electronic.
14. Under S.25, admissions are: (A) conclusive (B) irrelevant (C) not conclusive but may estop (D) decrees.
15. Correct analysis order is: (A) effect first (B) statement-maker-proof-limits-effect (C) maker-effect only (D) proof only.
16. A statement by an interested person is an admission only when made: (A) after interest ends (B) during continuance of interest (C) before interest begins (D) at trial.
17. Section 17 focuses on a person's: (A) handwriting only (B) position or liability necessary to prove (C) age only (D) reputation.
18. The maker may prove an admission relevant otherwise than as an admission under: (A) S.19(3) (B) S.20 (C) S.21 (D) S.25.
19. A favourable statement by the maker is: (A) automatically admissible (B) automatically conclusive (C) subject to S.19 exceptions (D) always estoppel.
20. Disputed genuineness of a produced document is: (A) irrelevant to S.20 (B) one S.20 gateway (C) conclusive proof (D) a S.21 agreement.
21. Section 21 requires: (A) criminal charge (B) civil case plus agreed non-use condition (C) police custody (D) electronic form.
22. The advocate explanation in S.21 refers to: (A) S.132 (B) S.15 (C) S.25 (D) S.26.
23. Admission and estoppel are: (A) always identical (B) separate concepts, though admission may estop (C) both conclusive (D) criminal only.
24. A neutral statement unrelated to a disputed or relevant fact is: (A) necessarily an admission (B) not an admission merely because a party made it (C) conclusive (D) a confession.
25. Best conclusion under S.25 is: (A) admission ends the case (B) admission has no value (C) Court weighs it; explanation and possible estoppel remain (D) decree follows.

ANSWER KEY

Answers with Reasons

1-D	Section 15 expressly includes oral, documentary and electronic statements.
2-B	The inference must concern a fact in issue or relevant fact.
3-B	Express or implied authority to make the statement is the statutory test.
4-B	The character must exist when the statement is made.
5-C	The proprietary or pecuniary interest must continue.
6-C	Express reference for information is Section 18.
7-B	Proof against the maker is the Section 19 default.
8-C	Section 19 specifies three exceptions.
9-B	Contemporaneity and conduct rendering falsehood improbable are both required.
10-B	Section 20 restricts oral proof of document contents.
11-B	Secondary-evidence entitlement is one gateway.
12-A	Section 21 is framed for civil cases.
13-B	An express or inferable agreement not to give evidence is needed.
14-C	That is the Section 25 rule.
15-B	This sequence prevents omitted statutory gates.
16-B	Section 16 requires the relevant interest to continue when the statement is made.
17-B	Section 17 concerns a position or liability necessary to prove against a party.
18-A	Independent relevance is the third Section 19 exception.
19-C	A maker's favourable statement must satisfy a numbered Section 19 exception.
20-B	Disputed genuineness of a produced document is expressly recognised by Section 20.
21-B	Section 21 concerns civil admissions made subject to an express or inferable agreement against evidentiary use.
22-A	The explanation preserves the Section 132 cross-reference.
23-B	Section 25 says an admission may operate as an estoppel; the concepts are not automatically identical.
24-B	Section 15 requires an inferential link to a fact in issue or relevant fact.
25-C	The Court weighs the admission; it is not conclusive and estoppel requires its own conditions.

Source note

Prepared from the statutory text of the Bharatiya Sakshya Adhiniyam, 2023. Use the current bare provision and applicable judicial authority for court submissions. These notes are for education and exam revision.