

1) Witnesses may lie but circumstantial evidence does not lie. Describe it according to the evidence act.

Witness May Lie but Circumstantial Evidence Does Not Lie – An Analysis Under the Evidence Act

1. Why Witnesses May Lie:

- **Personal bias or interest:** Witnesses may be biased due to their relationship with a party or personal interests.
- **Fear or intimidation:** A witness may be threatened or coerced to lie.
- **Misleading memory:** Memory decay or confusion can cause witnesses to provide inaccurate information.
- **Motive to deceive:** Some witnesses may have a motive to misrepresent facts, such as revenge, financial gain, or protecting someone.

Section 45 (Expert opinion): When the court requires the opinion of experts (e.g., forensic or scientific evidence), it's considered more reliable because it is less subject to human flaws like bias or memory errors.

2. Reliability of Physical and Circumstantial Evidence:

- **Section 3 (Definition of Evidence):** Circumstantial evidence includes physical items or forensic materials (e.g., blood, fingerprints) which are considered "**physical or forensic evidence**". These are less prone to manipulation and more reliable because they remain consistent over time.
- **Section 6 (Facts forming part of the same transaction):** Circumstantial evidence, like marks from a struggle, establishes facts surrounding the crime. These facts form part of the crime itself and are considered relevant.
- **Section 7 (Facts which are the occasion, cause, or effect of facts in issue):** Physical evidence such as fingerprints, DNA, or objects found at a crime scene (e.g., a weapon) directly connect the accused with the crime and provide concrete proof, making the event highly probable without relying on human recollection.

3. How Physical Evidence Helps:

- **Direct connection:** Physical evidence like DNA or fingerprints directly connects a suspect to a crime, providing objective facts that cannot lie.
- **Expert analysis:** Experts (under Section 45) can interpret physical or forensic evidence, which the court views as reliable since it is based on scientific analysis, unlike witness testimony, which can be subjective.
- **Consistency over time:** Unlike human testimony, physical evidence such as fingerprints or digital records remains unchanged and offers precise information about the crime.

Conclusion:

Witnesses may lie due to personal biases, intimidation, or faulty memory, making their testimony unreliable at times. However, physical evidence like forensic materials and circumstantial facts are objective and remain unaffected by human manipulation or emotions. Under the Evidence Act, physical and forensic evidence plays a vital role in establishing the truth and corroborating the overall narrative.

2) What is hearsay evidence? Why is it not accepted?

Hearsay Evidence: Overview and Why It Is Not Accepted

Definition:

Hearsay evidence refers to a statement made by someone who is not testifying in court but is presented by another person to prove the truth of the matter asserted. In simpler terms, it involves a witness reporting what someone else said, rather than what they directly experienced.

Why Hearsay Evidence is Generally Not Accepted:

1. **Lack of Direct Knowledge:** The person presenting hearsay did not witness the event directly, making it difficult to assess the statement's accuracy.
2. **Inability to Cross-Examine:** The original speaker is not present in court, preventing cross-examination, which is crucial for testing reliability and truthfulness.
3. **Potential for Misinterpretation:** The witness may misinterpret or inaccurately recall what was said, leading to distorted evidence.
4. **Possibility of Fabrication:** Hearsay can be exaggerated or fabricated, and the original speaker is not available to verify the statement.

Hearsay in the Evidence Act:

1. **Section 60:** Requires that oral evidence must be direct; hearsay is generally inadmissible unless certain exceptions apply.
2. **Exceptions** (under **Section 32** and **35**):
 - **Dying Declarations (Section 32(1)):** Statements about the cause of death are admissible when the person cannot testify due to death.
 - **Statements Against Interest (Section 32(3)):** Statements that harm the maker's pecuniary interest can be admitted.

Practical Implications:

Courts prefer direct evidence because it can be tested through cross-examination. While hearsay is generally excluded, exceptions apply where obtaining direct evidence is impractical, and the hearsay statement is deemed reliable.

3) All admissible evidence is relevant but all relevant evidence is not admissible. Discuss it.

Relationship Between Admissibility and Relevance of Evidence

1. Definition of Relevant Evidence:

- Under **Section 5 of the Evidence Act**, relevant evidence refers to any fact that is connected to the fact in issue or helps to prove or disprove it. Evidence is considered relevant if it makes the existence of any fact more or less probable than it would be without the evidence.

2. Definition of Admissible Evidence:

- **Admissible evidence** is evidence that is allowed to be presented in court under the rules of evidence. Admissibility is determined by both relevance and additional legal standards such as reliability, competency, and rules excluding certain types of evidence (e.g., hearsay or privileged communications).

3. Key Principle:

- **All admissible evidence is relevant**, meaning it relates to a fact in issue or helps to prove a case.
- **Not all relevant evidence is admissible**, because it may be excluded by legal rules even though it is connected to the case.

4. Examples Where Relevant Evidence is Not Admissible:

- **Hearsay Evidence (Section 60)**: Even if relevant, hearsay is generally inadmissible because the original speaker is not available for cross-examination.
- **Privileged Communications (Section 122)**: Communications between spouses or lawyer-client may be relevant but are inadmissible due to legal privilege.
- **Illegally Obtained Evidence**: Evidence obtained through illegal means (e.g., without a proper search warrant) might be relevant but could be excluded to protect legal principles.
- **Character Evidence (Section 54)**: In criminal cases, the bad character of the accused is generally irrelevant unless evidence of good character has been given.

5. Conclusion:

While relevance is a basic requirement for evidence to be admitted, admissibility involves additional criteria such as legal prohibitions, rules of procedure, and fairness to the parties involved. Hence, some relevant evidence may be excluded to preserve legal rights and ensure fairness in the judicial process.

4) Evidence act

***Section 6 Relevancy of facts forming part of same transaction. Explain it.**

***Section 7 Fact which are the occasion, cause or effect of fact in issue. Explain it.**

***Section 8 Motive, preparation and previous or subsequent conduct. Explain it.**

***Section 9 Fact necessary to explain or introduce relevant facts. Explain it.**

1. Section 6 – Relevancy of Facts Forming Part of the Same Transaction:

- This section states that facts, even if not directly in issue, are relevant if they are so connected with a fact in issue that they form part of the same transaction.
- **Illustration:** In a murder case, statements made by bystanders during the event or shortly before or after the act are relevant, as they are part of the same event.
- **Purpose:** Section 6 allows evidence of events that are part of the "res gestae" (things done), showing the complete picture of the crime.

2. Section 7 – Facts Which Are the Occasion, Cause, or Effect of Facts in Issue:

- Section 7 makes relevant any fact that is the occasion, cause, or effect (immediate or otherwise) of a fact in issue. It also includes facts that establish the state of things that made the occurrence possible.
- **Illustration:** If someone is accused of robbery, facts showing the victim carried money before the robbery or marks indicating a struggle are relevant.
- **Purpose:** This section includes facts explaining why or how the fact in issue occurred, like causes or effects.

3. Section 8 – Motive, Preparation, and Previous or Subsequent Conduct:

- Facts showing motive or preparation for an act in issue are relevant. Similarly, the conduct of the parties before or after the act can also be relevant if it influences or is influenced by the facts in issue.
- **Illustration:** In a case of poisoning, evidence that the accused bought poison before the event is relevant to show preparation. Similarly, fleeing after the crime is considered subsequent conduct.
- **Purpose:** This section helps establish intent, preparation, or guilt through actions and behavior related to the crime.

4. Section 9 – Facts Necessary to Explain or Introduce Relevant Facts:

- Section 9 allows for facts necessary to explain, introduce, or support other relevant facts. These facts might also help clarify the time, place, or circumstances of the facts in issue.
- **Illustration:** If a document is presented in court, facts explaining the circumstances in which the document was created are relevant.

- **Purpose:** This section ensures that the court gets a clear understanding of the context or background of the facts being presented.

Conclusion:

These sections of the Evidence Act expand the scope of what can be considered relevant in a trial, ensuring that the court gets a complete picture of the facts surrounding the event in question.

5. What is admission & confession? Distinguish between them. When confession is relevant when not? (Section 24-28)

Admission and Confession: Definitions and Distinctions

1. Admission:

- **Definition:** An admission is a statement, either oral or written, made by a party in a legal proceeding that suggests an inference related to a fact in issue or a relevant fact. It can be made by the party themselves or their representative.
- **Section 17** of the Evidence Act defines admission as any statement which suggests any inference as to any fact in issue or relevant fact.

2. Confession:

- **Definition:** A confession is a specific type of admission that acknowledges guilt in a criminal act. It is a statement made by an accused person admitting to committing the crime or any element of the offense.
- **Section 24-28** of the Evidence Act governs confessions in legal proceedings.

Distinction Between Admission and Confession:

1. Nature:

- **Admission:** Can be related to any fact in issue or relevant fact (civil or criminal cases), and does not necessarily admit guilt.
- **Confession:** Is always related to criminal cases and is an explicit acknowledgment of guilt.

2. Scope:

- **Admission:** Can be used in both civil and criminal cases.
- **Confession:** Is only relevant in criminal cases.

3. Voluntariness:

- **Admission:** Does not have strict requirements about voluntariness.
- **Confession:** Must be voluntary; otherwise, it may be excluded under the Evidence Act.

Relevance of Confession (Sections 24-28):

1. When Confession is Relevant:

- **Section 24:** A confession is **relevant** if it is made voluntarily without inducement, threat, or promise from a person in authority.
 - **Section 27:** If a fact is discovered as a result of information provided by the accused, that part of the confession related to the discovery is admissible, even if the confession was made while in police custody.
2. **When Confession is Not Relevant:**
- **Section 25:** Confessions made to a police officer are inadmissible, regardless of the circumstances.
 - **Section 26:** Confessions made while in the custody of a police officer are inadmissible unless made in the presence of a Magistrate.
 - **Section 28:** If the confession was caused by any inducement, threat, or promise, and that impression was later removed, the confession may become admissible.

Conclusion:

Admissions apply to both civil and criminal cases and do not necessarily imply guilt, while confessions are a direct acknowledgment of guilt in criminal cases. For confessions to be admissible, they must be voluntary and free from coercion, as governed by **Sections 24-28** of the Evidence Act.

6) What is a dying declaration? Why is the dying declaration admissible? What is the distinction between Bangladesh law and British law? To whom dying declaration can be given? What is the evidential value of dying declaration?
Section 32(1)

Dying Declaration (Section 32(1) of the Evidence Act)

1. What is a Dying Declaration?

- A **dying declaration** is a statement made by a person who believes they are about to die, regarding the cause of their death or the circumstances leading to it. Under **Section 32(1)** of the Evidence Act, such statements are admissible as evidence, even though the person making the statement is not available to testify.

2. Why is a Dying Declaration Admissible?

- A dying declaration is admissible because it is presumed that a person on the verge of death is unlikely to lie, as they are aware of their imminent death. This sense of approaching death is considered to motivate the person to speak the truth, making their statement reliable.

3. Distinction Between Bangladesh Law and British Law:

- **Bangladesh Law (Section 32(1)):** In Bangladesh, dying declarations are admissible regardless of whether the person expected death at the time of making the statement. The crucial factor is that the statement pertains to the cause or circumstances of death.

- **British Law:** In British law, for a dying declaration to be admissible, the person making the statement must have believed they were facing imminent death and had no hope of survival. The belief in impending death is more strictly applied.

4. To Whom Can a Dying Declaration Be Given?

- A dying declaration can be given to:
 - **Magistrates:** It is often preferable for a Magistrate to record the statement.
 - **Police officers:** If no Magistrate is available, a police officer may record the dying declaration.
 - **Doctors or other witnesses:** In urgent circumstances, a dying declaration can also be given to a doctor or any person present at the time.
 - **Any Person Present:** In urgent situations, a dying declaration may be made to any person present, including family members, friends, or bystanders

5. Evidential Value of a Dying Declaration:

- **High Evidentiary Value:** A dying declaration can form the sole basis for conviction if it is found to be credible and free from doubt. The court may rely on it without corroboration.
- **Considerations for Reliability:**
 - The person must be mentally fit and conscious when making the statement.
 - The declaration must be clear, specific, and relate directly to the cause of death.
 - Courts often scrutinize dying declarations closely, especially if there is no corroborating evidence.

Conclusion:

A dying declaration is a critical piece of evidence under **Section 32(1)** of the Evidence Act, valued for its presumed truthfulness. While Bangladesh law admits such statements without requiring the declarant to believe in impending death, British law is more stringent, focusing on the declarant's state of mind. A dying declaration can be given to various officials or witnesses, and its evidentiary value is strong, potentially leading to conviction based on the statement alone if found reliable.

7) What is judicial notice? Which should be regarded as judicial notice? (Section 56, 57)

1. What is Judicial Notice?

- Judicial notice refers to the acceptance of certain facts by the court as true without requiring formal proof or evidence. The court recognizes these facts because they are either well-known, obvious, or cannot reasonably be disputed.
- **Section 56 of the Evidence Act** states that no fact that the court will take judicial notice of needs to be proven by the parties.

2. What Should Be Regarded as Judicial Notice? (Section 57)

- **Section 57** lists specific facts that courts must take judicial notice of, including:
 1. **All laws in force in Bangladesh.**
 2. **The course of proceedings of Parliament.**
 3. **The seals of all courts in Bangladesh.**
 4. **The accession to office, names, titles, and functions of public officials**, if their appointment has been notified in an official gazette.
 5. **The existence of the national flag and other state symbols.**
 6. **The territorial divisions of Bangladesh**, such as districts and divisions.
 7. **Common knowledge**
 8. **Calendars and time standards**
 9. **Geographical divisions**

Conclusion:

Judicial notice saves time by allowing courts to accept certain facts without proof. Courts must take judicial notice of laws, public documents, and facts that are universally known and cannot reasonably be disputed, as outlined in **Section 57**.

8) What is character? When character is relevant when not? (Section 52-55)

The relevance of a person's character in legal proceedings is addressed in Sections 52 to 55 of the Act.

Character: The attributes or reputation of a person that reflect their behavior or moral qualities. It can be considered "good" or "bad" based on societal norms and legal standards.

1. **Section 52: Character in Civil Cases**
 - Character is generally irrelevant in proving conduct in civil cases, except when it becomes relevant through other facts.
2. **Section 53: Good Character in Criminal Cases**
 - In criminal proceedings, the accused's good character is relevant to suggest they are less likely to have committed the alleged offense.
3. **Section 54: Bad Character in Criminal Cases**
 - Bad character is not admissible unless the accused has introduced evidence of their good character.
 - **Exceptions:** Bad character becomes relevant if it is a fact in issue (e.g., habitual offender) or if there is a previous conviction.
4. **Section 55: Character Affecting Damages in Civil Cases**
 - In civil cases, character can be relevant in determining the amount of damages awarded, especially in cases like defamation.

Character includes both *reputation* and *disposition*, but only general reputation or disposition, not specific acts, may be given as evidence.

9) What is the burden of proof? Discuss the rules of burden of proof. (section 101-12)

The *burden of proof* refers to the obligation of a party in a legal proceeding to prove the facts in support of their claim or defense. Under the **Evidence Act of 1872**, sections 101 to 111 provide the rules regarding the burden of proof. Here's an overview:

1. **Section 101: Burden of Proof**
 - The party who asserts a fact must prove that fact. In civil cases, the burden lies on the plaintiff, and in criminal cases, it typically rests on the prosecution.
2. **Section 102: Burden of Proof in Case of Evidence on Both Sides**
 - If both parties present evidence, the burden remains on the party who would fail if no further evidence is given.
3. **Section 103: Burden of Proof as to Particular Facts**
 - The party relying on a particular fact must prove it. For example, if a defendant pleads a specific defense, they bear the burden to prove the facts supporting that defense.
4. **Section 104: Burden of Proving a Fact to be Proved to Make Evidence Admissible**
 - When the admissibility of evidence depends on a certain fact, the party offering the evidence must prove that fact (e.g., authenticity of a document).
5. **Section 105: Burden of Proving Exceptions in Criminal Cases**
 - In criminal trials, once the prosecution proves the basic elements of the offense, the burden shifts to the accused to prove any exceptions or defenses (e.g., self-defense).
6. **Section 106: Burden of Proving Facts Especially Within Knowledge**
 - If a fact is especially within a party's knowledge, the burden of proving it lies on that party. For instance, a person claiming a specific alibi must provide proof.
7. **Section 107: Burden of Proving Death of Person Known to Have Been Alive**
 - The person asserting the death of someone known to have been alive within 30 years bears the burden of proving the death.
8. **Section 108: Burden of Proving Person Not Heard of for Seven Years**
 - A person is presumed dead if they haven't been heard from for seven years, but the burden lies on the claimant to prove the circumstances of their death.
9. **Section 109: Presumption of Certain Relationships**
 - When a relationship like landlord-tenant or employer-employee has existed for some time, the burden of disproving it lies on the person challenging it.
10. **Section 110: Burden of Proof in Ownership Cases**
 - The person in possession of property is presumed to be the owner unless proven otherwise.
11. **Section 111: Burden of Proof in Certain Cases of Accused**
 - If the accused person in a criminal case holds something under suspicious circumstances (e.g., stolen goods), the burden shifts to them to explain.

The burden of proof can shift between parties during the trial, depending on the claims, defenses, and evidence presented.

10. Who is competent to give evidence to court? Is the evidence of an accomplice admissible against a co-accused?(section 114-b, 30,133)

Under **Section 118** of the **Evidence Act of 1872**, any person is competent to give evidence unless they cannot understand the questions or provide rational answers due to age, mental incapacity, or other conditions.

Competent Persons Include:

1. **Adults and Children:** If they understand the questions.
2. **Persons with Mental Disabilities:** If they can provide rational answers.
3. **Convicts and Accomplices:** Allowed to testify but may require corroboration.

Exceptions:

- Persons who cannot comprehend due to mental or physical conditions are disqualified.

Yes, the evidence of an accomplice is admissible against a co-accused, but with caution and under certain conditions as specified in the **Evidence Act of 1872**:

1. **Section 133:** An accomplice is a competent witness, meaning their evidence can be admitted in court. However, courts generally treat such testimony with caution due to the potential for bias or self-interest.
2. **Section 30:** If more than one person is tried jointly for the same offense, a confession made by one accused can be considered against the co-accused. However, the court requires corroboration—such evidence cannot be the sole basis for conviction.
3. **Section 114(b):** Courts are advised to presume that an accomplice's testimony is untrustworthy unless it is corroborated by independent evidence. The accomplice's testimony needs to be supported by other reliable evidence to be considered strong enough for conviction.

In summary, while an accomplice's evidence is admissible, it requires corroboration to be relied upon, especially when used against a co-accused.

11. Is it lawful to convict on the basis of corroborative evidence?

Here are the relevant points and sections of the **Evidence Act, 1872** of Bangladesh that pertain to the use of corroborative evidence for convictions:

1. **Section 157: Corroboration of testimony**
 - This section allows the use of corroborative evidence to support the testimony of a witness. Statements made by a witness, either shortly after the occurrence of the fact or in a consistent manner throughout the case, can be corroborated by

additional evidence. Corroboration strengthens the credibility of the original testimony, which can be used in a conviction.

2. **Section 32: Statements of persons who cannot be called as witnesses**

- Under **clause (1)** of this section, dying declarations can be used as evidence if the person making the declaration is dead. However, courts often seek corroborative evidence to validate such declarations before relying on them for conviction.

3. **Section 114: Presumption regarding corroboration**

- This section explains that courts may draw presumptions, including the requirement of corroboration in certain cases. For instance, the court may presume that a fact is proved based on corroborative evidence unless contrary evidence is provided.

These sections demonstrate that the **Evidence Act, 1872** recognizes the importance of corroborative evidence, and a conviction based on it is lawful when it strengthens and confirms other key evidence in a case.

12. Judicial, Extra-Judicial and Retracted Confession. When confession may or may not be relevant?

1. Judicial Confession

- **Judicial confessions** are those made before a **Magistrate** or a **court of law**.
- **Section 164 of the Code of Criminal Procedure (CrPC)** governs the recording of judicial confessions.
- **Relevance:** These are admissible in court as they are made in front of an authority (Magistrate) under proper safeguards, ensuring they are voluntary and not obtained through coercion or inducement.

2. Extra-Judicial Confession

- **Extra-judicial confessions** are made outside of court to any person other than a Magistrate, such as a friend, relative, or even the police.
- **Relevance:** These are generally less reliable due to the possibility of coercion or pressure. However, they can still be admitted as evidence, provided the court finds them credible and voluntary, and they are corroborated by other evidence (Section 24 to Section 30 of the Evidence Act).

3. Retracted Confession

- A **retracted confession** is one that the accused initially makes but later withdraws or claims to have been made under duress, coercion, or inducement.
- **Relevance:** Courts are cautious with retracted confessions and usually look for corroborative evidence to support such a confession. A conviction solely based on a retracted confession is rare unless it is supported by other strong evidence.

When Confession May or May Not be Relevant

When Confession May Not Be Relevant:

1. **Section 24: Confession caused by inducement, threat, or promise**
 - A confession is **irrelevant** if made due to inducement, threat, or promise from someone in authority, leading the accused to believe they would gain some advantage or avoid harm by confessing.
2. **Section 25: Confession to a police officer**
 - A confession made to a police officer is **inadmissible** in court. The rationale is to avoid the risk of police coercion or undue pressure on the accused.
3. **Section 26: Confession made while in police custody**
 - Any confession made while the accused is in the custody of the police is **inadmissible**, unless it is made in the immediate presence of a Magistrate. This safeguard prevents the possibility of coercion during police custody.

When Confession May Be Relevant:

1. **Section 27: Discovery of facts based on confession**
 - If any fact is discovered as a direct consequence of the confession made by the accused, then so much of the confession as relates distinctly to the discovery is **relevant**, even if the confession was made in police custody.
2. **Section 28: Confession after the removal of inducement, threat, or promise**
 - If a confession is made after the influence of any inducement, threat, or promise is **completely removed**, it becomes **relevant**.
3. **Section 29: Confession despite promise of secrecy or deception**
 - A confession is still **relevant** even if it was made under a promise of secrecy or due to deception, or if it was made while the accused was drunk, or if they were not warned that it could be used against them.
4. **Section 30: Confession affecting co-accused**
 - When multiple persons are tried jointly for the same offence, a confession made by one accused that affects others can be **taken into consideration** against the others, as well as the one making the confession. However, this is not conclusive evidence and needs corroboration.

13. "An admission may be proved against but not the favor of its maker." - Is there any exception?

Yes, there are exceptions to the principle that "an admission may be proved against but not in favor of its maker." This principle is outlined in **Section 21 of the Evidence Act, 1872**, which states that admissions are typically relevant and may be used as evidence **against** the person making them. However, **three exceptions** allow an admission to be proved **in favor** of its maker under specific circumstances.

General Rule (Section 21)

- **Admissions** are statements made by a party that are against their own interest and are generally admissible **against** the person making the admission, not in their favor.
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Exceptions (Section 21):

1. **Exception 1: Admission is of a nature that, if the maker were dead, it would be relevant under Section 32**
 - If an admission would have been admissible as a **statement of a deceased person** under **Section 32** (which deals with statements made by deceased persons, such as dying declarations or statements related to the cause of death), it can be used **in favor** of the person making it even if they are alive.
 - **Illustration:** A makes an admission in writing that a certain event occurred. If A were dead, this admission would be relevant under **Section 32**. Therefore, it can be used in favor of A even while A is alive.
 2. **Exception 2: Statements made contemporaneously with relevant conduct**
 - When the **admission accompanies relevant conduct** (a fact or act), and the statement is connected to that conduct, it can be used **in favor** of the person making it. The conduct must be relevant to the case, and the statement should support the explanation or context of the conduct.
 - **Illustration:** A is accused of misappropriating funds. He made a statement that he was depositing the funds into a specific account while actually doing so. This statement can be used in A's favor to show his good faith.
 3. **Exception 3: When the admission is relevant for other purposes than just being an admission**
 - An admission may be proved in favor of the person making it if it is **relevant for a purpose other than being an admission**. This could involve cases where the admission supports other facts in issue or relevant facts in a proceeding.
 - **Illustration:** A statement made by a party that certain property belongs to them may be used in their favor if it helps to establish **title or ownership** in a dispute over the property.
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Key Sections Referenced in the Exceptions:

1. **Section 21:** Governs the admissibility of admissions, generally allowing them to be used against the maker, with specified exceptions.
 2. **Section 32:** Deals with statements by deceased or otherwise unavailable persons, relevant in cases such as dying declarations.
 3. **Section 6:** Relates to the **relevancy of facts forming part of the same transaction**, which is used to explain why conduct may make a statement relevant.
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Summary

While the general rule in **Section 21** of the Evidence Act, 1872, is that admissions are admissible **against** their maker and not in their favor, there are exceptions. These exceptions

allow admissions to be used **in favor** of the maker under certain conditions, such as when the admission would be relevant if the maker were dead, when the statement accompanies relevant conduct, or when it serves another legal purpose beyond just being an admission.