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A Study on Confessions and Interrogation Practices in India

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Abstract: Confessions and interrogation practices hold a pivotal role in the criminal justice system, serving as critical tools in obtaining evidence and securing convictions. In India, the process of extracting confessions and conducting interrogations is governed by a complex interplay of legal provisions, procedural safeguards, and cultural dynamics. The research method followed is descriptive research. The data is collected through a questionnaire and the sample size is 235. A convenience sampling method is adopted in the study to collect the data. The samples were collected from the general public with special reference to the Chennai region. The independent variables are gender, area of residence and education level of respondents. The dependent variables are awareness on confessions and interrogation practices in India. The researcher used graphs to analyse the data collected. In conclusion, while confessions and interrogations are essential components of criminal investigations, it is imperative that these practices are conducted in a manner that upholds the rule of law, protects human rights, and ensures the fair treatment of all individuals involved in the criminal justice system.

Keywords: Interrogation, justice system, confessions, detention, judicial

I. INTRODUCTION

Confessions and interrogation practices hold a pivotal role in the criminal justice system, serving as critical tools in obtaining evidence and securing convictions. In India, the process of extracting confessions and conducting interrogations is governed by a complex interplay of legal provisions, procedural safeguards, and cultural dynamics. India's legal framework concerning confessions and interrogation practices is primarily enshrined in the Indian Evidence Act, 1872, the Criminal Procedure Code (CrPC), 1973, and various judgments pronounced by the judiciary. However, the practical application of these laws often raises questions regarding fairness, human rights, and the potential for abuse.

Historically, confessions have been viewed as the "queen of proofs" in India's criminal justice system. Yet, this perception has evolved over time due to concerns about coerced confessions, false testimonies, and violations of suspects' rights. The balance between obtaining crucial information for investigations and protecting individuals' rights remains a persistent challenge. In recent years, landmark judgments by the Indian Supreme Court and High Courts have sought to reinforce the rights of the accused during interrogations. These decisions emphasize the importance of voluntariness, the right against self-incrimination, and the prohibition of torture or coercion.

Moreover, India's adherence to international human rights standards, such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, influences its approach to confessions and interrogations. Despite legal safeguards and judicial pronouncements, reports of custodial violence, illegal detentions, and forced confessions continue to surface, highlighting systemic shortcomings and the need for reform. This overview aims to delve into the complexities surrounding confessions and interrogation practices in India, exploring legal provisions, case law, challenges, and prospects for improvement. By examining the intersection of law, procedure, and human rights, it seeks to contribute to a deeper understanding of this critical aspect of India's criminal justice system.







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OBJECTIVE

- To find opinion on the problems faced during Confessions and Interrogation Practices.
- To find legal safeguards in place to protect individuals during police interrogation.

II. REVIEW OF LITERATURE

Prof. Laurence Alison, Sudhansu Sarangi, Allison Wright (2010) Police Officers and the Public accepted both custodial violence and the use of intimidating interrogation strategies more readily than Offenders. They were also more prepared to suspend Suspects' Human Rights. Further, individuals who scored high on a coercive belief scale (CBS) were particularly inclined to favour custodial violence and suspend Human Rights. In addition, the self-reported frequency with which Police Officers used intimidating and non-intimidating interviewing techniques was related to their beliefs about Suspects' Human Rights and the extent to which they perceived intimidating interviewing methods to be useful. Aaditya Gore and Anuradha Parasar(2022) This paper explores the legal, psychological, and sociological aspects of investigative incarceration, and the practical implications and limitations of processual justice in the adversarial investigative process with special reference to India. A survey of civilian experience of policing is made to understand the approach of the public towards policing as a service. Mallika Kaur(2010) The chemicals used in narcoanalysis, including Sodium Pentothal--the drug of choice for this interrogation method in India--have long been referred to as "truth serum" since they inhibit the control of the nervous system and are alleged to make the subject less able (and motivated) to lie. The leading proponent of this view, Dr. B.M. Mohan of the Bangalore Forensic Science Laboratory, has repeatedly asserted that narcoanalysis has a 96 percent to 97 percent success rate in aiding in the discovery of information that forwards investigations. Many police officers are also enthusiastic. "With this 'narco' I can get anyone to confess anything," said one senior police officer in India in an interview with the author, on condition of anonymity. Melissa B. Russano, Christian A. Meissner (2005) The primary goal of the current study was to develop a novel experimental paradigm with which to study the influence of psychologically based interrogation techniques on the likelihood of true and false confessions. The paradigm involves guilty and innocent participants being accused of intentionally breaking an experimental rule, or "cheating." In the first demonstration of this paradigm, we explored the influence of two common police interrogation tactics: minimization and an explicit offer of leniency, or a "deal." Results indicated that guilty persons were more likely to confess than innocent persons, and that the use of minimization and the offer of a deal increased the rate of both true and false confessions. Police investigators are encouraged to avoid interrogation techniques that imply or directly promise leniency, as they appear to reduce the diagnostic value of any confession that is elicited. Christian A. Meissner, Allison D(2012) The interviewing and interrogation of suspects can be particularly important to securing convictions against the guilty and freeing the wrongly accused. There are two general methods of questioning suspects: information-gathering and accusatorial. The information-gathering approach, used in the United Kingdom, New Zealand, Australia, and elsewhere, as more generally in Western Europe, is characterized by rapport-building, truth-seeking, and active listening. The accusatorial approach, used primarily in the United States and Canada, is characterized by accusation, confrontation, psychological manipulation, and the disallowing of denials. Which method is more effective has become a hotly debated as the number of false confessions identified continues to rise. Christian A. Meissner, Allison D. Redlich, Susan Brandon(2014) Field studies revealed that both information-gathering and accusatorial approaches were more likely to elicit a confession when compared with direct questioning methods. However, experimental studies revealed that the information-gathering approach preserved, and in some cases increased, the likelihood of true confessions, while simultaneously reducing the likelihood of false confessions. In contrast, the accusatorial approach increased both true and false confessions when compared with a direct questioning method. Saheli Chakraborty(2023) False confessions and incorrect witness statements are major issues in the criminal justice system, leading to wrongful convictions and miscarriages of justice. Legal systems around the world have been grappling with these problems and implementing laws and regulations to prevent them from happening. In this article, we will take a closer look at false confessions and witness laws, with a particular focus on India. We will examine how the Indian legal system compares to international standards, what measures are being taken to address the problem of false confessions and incorrect witness statements, and what further steps can be taken to ensure that justice is served. Praduta Singh Vaghela, Megha Hurkat(2022)

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People are usually convicted for murder, rape, harassments, manslaughter, etc but we might have hardly heard that someone who didn't commit any crime was convicted for such a heinous crime. In almost every country false confession is very common. This article lays emphasis on the types and causes, implications and consequences of false confession. It will also talk about how Indian law is codified against this. Some prominent cases and trials have also been mentioned in this so as to get an idea about how do we need to improve our justice system. This article also questions several issues regarding DNA exonerations which still needs to be answer. This also talks about how the mental and physical health of the confessor is affected by this, what socio-economic difficulties are faced by him, etc. This article adds up to the knowledge of readers from various disciplines like psychology, sociology, economics and law as the subject matter on which the article is constructed. Brent Snook, Todd Barron, Laura Fallon(2021) The current article presents a series of commentaries on urgent issues and prospects in reforming interrogation practices in Canada and the United States. Researchers and practitioners, who have devoted much of their careers to the field of police and intelligence interrogations, were asked to provide their insights on an area of interrogation research that they believe requires immediate attention. HS Janavi, Divya Deshpande(2021) Cases of wrongful conviction show that not all confessors are guilty. However, there is currently no validated process for evaluating the veracity of admissions. As a result, a confession may have a huge effect on jurors and judges. According to research, even if no other evidence linking a suspect to a crime was presented, the mere presence of a confession tripled the chances of being found guilty rather than acquitted at trial. This could explain why false confessions are involved in nearly 29 percent of the cases investigated by the Innocence Project. The long-term consequences ofwrongful convictions for all parties concerned illustrate the need for impartial measures to check a confession's veracity. Vand. J. Transnat'l L(2009) In the United States, police officers regularly employ deceptive interrogation tactics to extract confession evidence from suspects. Despite widespread recognition of the harm caused by police deception, courts in the United States have consistently condoned the practice, refusing to exclude confessions obtained through manipulative and deceitful means. Jessica R Meyer, N Dickon Reppucci(2007) Recent media coverage has highlighted cases in which young suspects were wrongly convicted because they provided interrogation induced false confessions. Although youth may be more highly suggestible and easily influenced by authority than adults, police are trained to use the same psychologically coercive and deceptive tactics with youth as with adults. This investigation is the first standard documentation of the reported interrogation practices of law enforcement and police beliefs about the reliability of these techniques and their knowledge of child development. Welsh S White(2001) As Yale Kamisar's writings on police interrogation demonstrate, our simultaneous commitments to promoting law enforcement's interest in obtaining confessions and to protecting individuals from over-reaching interrogation practices have created a nearly irreconcilable tension. If the police must be granted authority to engage in effective questioning of suspects, it will obviously be difficult to insure that" the terrible engine of the criminal law... not... be used to overreach individuals who stand helpless against it." 2 If we are committed to accommodating these conflicting interests, however, some means must be found to impose appropriate restraints on the police when they engage in interrogation. Igor Areh(2016) Interrogation techniques are well explored, but in Slovenia it has remained unknown what interrogation techniques are used and what the basic characteristics of suspect interrogations are. The Slovenian interrogation manual proposes some coercive interrogation techniques and neglects their weaknesses. The aim of the current study was to examine Slovenian police officers' beliefs as to the basic characteristics of their interrogations and whether techniques proposed by the manual are used in practice to begin to provide some insight into what actually happens in such interrogations. Christian Meissner, Allison Redlich, Sujeeta Bhatt, Susan Brandon(2012) The request for a systematic review of the research on interviewing and interrogation methods is extremely timely and germane to current social events. Specifically, bright lights have been shone on both military and police investigation methods. The effectiveness of military interviewing, or human intelligence (HUMINT), has come under intense scrutiny because of the situations in Iraq and Afghanistan, and the heated debate over the use and efficacy of torture for educing intelligence (see Evans, Meissner, Brandon, Russano, & Kleinman, in press; Redlich, 2007). Just recently, information was released about the—enhanced interrogation. Saul M Kassin, Steven A Drizin(2010) Recent DNA exonerations have shed light on the problem that people sometimes confess to crimes they did not commit. Drawing on police practices, laws concerning the admissibility of confession evidence, core principles of psychology, and forensic studies involving multiple methodologies, this White Paper

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summarises what is known about police-induced confessions. **Durant Frantzen(2010)** The results of this study are based on self report data (N = 43) and face to face interviews (N = 18) with Texas police investigators reporting their perceptions of factors affecting the disposition of suspect interrogations. Results indicated that participants viewed the presence of physical evidence to be most important to clearing offenses, whereas testimonial evidence was deemed less critical. **Richard A Leo, Brittany Liu(2009)** Psychological police interrogation methods in America inevitably involve some level of pressure and persuasion to achieve their goal of eliciting confessions of guilt from custodial suspects. In this article, we surveyed potential jurors about their perceptions of a range of psychological interrogation techniques, the likelihood that such techniques would elicit a true confession from guilty suspects, and the likelihood that such techniques could elicit a false confession from innocent suspects. **Richard A Leo(1992)** Our police, with no legal sanction whatever, employ duress, threat, bullying, a vast amount of moderate physical abuse and a certain degree of outright torture; and their inquisitions customarily begin with the demand: "If you know what's good for you, you'll confess. **Hayley Cleary, Todd C Warner(2016)** Despite empirical progress in documenting and classifying various interrogation techniques, very little is known about how police are trained in interrogation methods, how frequently they use various techniques, and whether they employ techniques differentially with adult versus juvenile suspects.

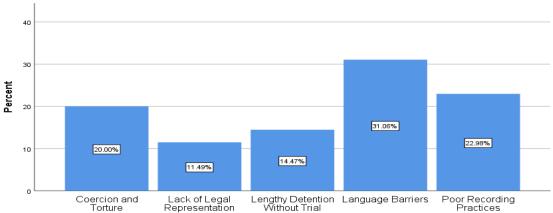
III. METHODOLOGY

The research method followed is descriptive research. The data is collected through a questionnaire and the sample size is 235. A convenience sampling method is adopted in the study to collect the data. The samples were collected from the general public with special reference to the Chennai region. The independent variables are gender, area of residence and education level of respondents. The dependent variables are awareness on confessions and interrogation practices in India. The researcher used graphs to analyse the data collected.

IV. ANALYSIS

FIGURE 1





On your opinion what can be the problems faced during Confessions and Interrogation Practices in India.

Legend: The figure 1 speaks about the opinion on what can be the problems faced during Confessions and Interrogation Practices in India.



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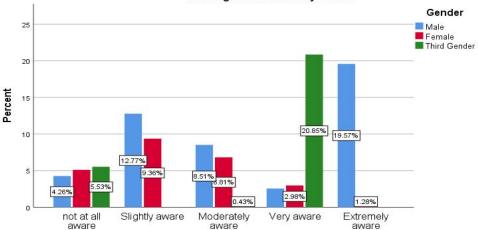
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FIGURE 2

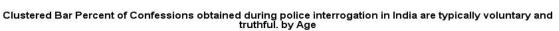


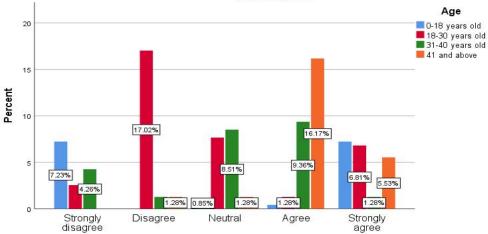


Are you aware of legal safeguards in place to protect individuals during police interrogation in India?

Legend: The figure 2 speaks about are you aware of legal safeguards in place to protect individuals during police interrogation in India along with gender.

FIGURE 3





Confessions obtained during police interrogation in India are typically voluntary and truthful.

Legend: The figure 3 speaks about confession obtained police interrogation in India are typically voluntary and truthful along with age.





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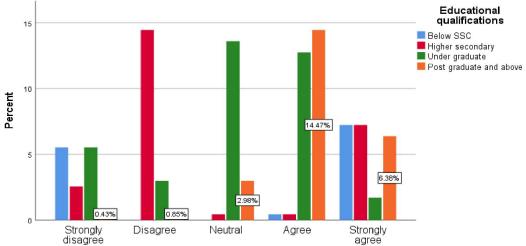
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FIGURE 4

Clustered Bar Percent of The police in India adhere to legal guidelines and safeguards during interrogations to ensure the rights of suspects are protected. by Educational qualifications

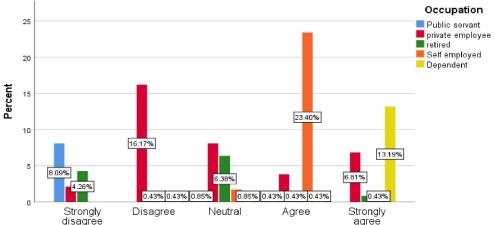


The police in India adhere to legal guidelines and safeguards during interrogations to ensure the rights of suspects are protected.

Legend: The figure 4 speaks about the police in India adhere to legal guideliness and safeguards during interrogations to ensure the rights of suspects are protected along with educational qualifications.

FIGURE 5

Clustered Bar Percent of The Indian legal system provides adequate protection against coerced confessions and ensures the voluntariness of statements made during interrogation. by Occupation



The Indian legal system provides adequate protection against coerced confessions and ensures the voluntariness of statements made during interrogation.

Legend: The figure 5 speaks about the Indian legal system provides adequate protection against concerced confessions and ensures the voluntaries of statement during the interrogation along with occupation.





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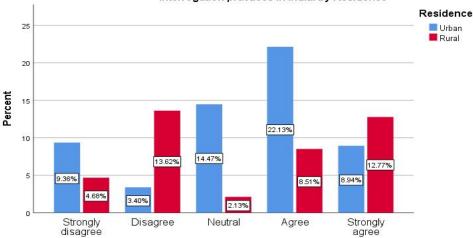
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FIGURE 6

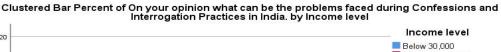


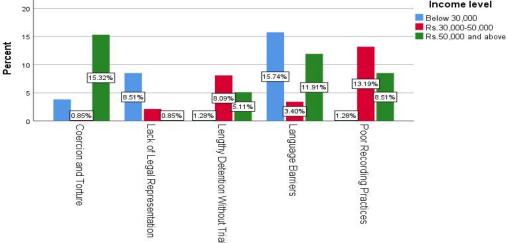


Reforms are needed to improve the fairness and reliability of confessions and interrogation practices in India.

Legend: The figure 6 speaks about the reforms needed to improve the fairness and reliability of confessions and interrogation pratices in India along with residence.

FIGURE 7





Legend: The figure 7 speaks about on the opinion what can be the problems faced during confession and interrogation pratices in India along with income level





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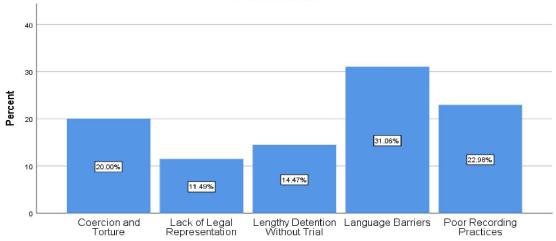
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FIGURE 8

Simple Bar Percent of On your opinion what can be the problems faced during Confessions and Interrogation Practices in India.

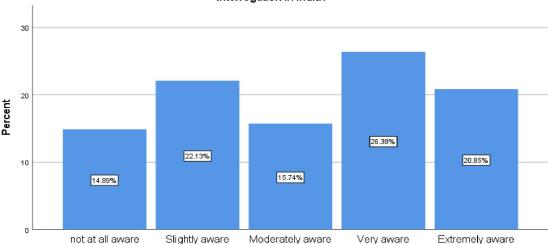


On your opinion what can be the problems faced during Confessions and Interrogation Practices in India.

Legend: The figure 8 speaks about what can be faced during confession and interrogation practices in India.

FIGURE 9

Simple Bar Percent of Are you aware of legal safeguards in place to protect individuals during police interrogation in India?



Are you aware of legal safeguards in place to protect individuals during police interrogation in India?

Legend: The figure 9 speaks about awareness related to safeguards in place to protect individuals during police interrogation in India.





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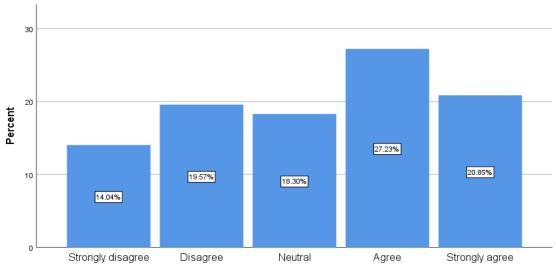
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FIGURE 10

Simple Bar Percent of Confessions obtained during police interrogation in India are typically voluntary and truthful.

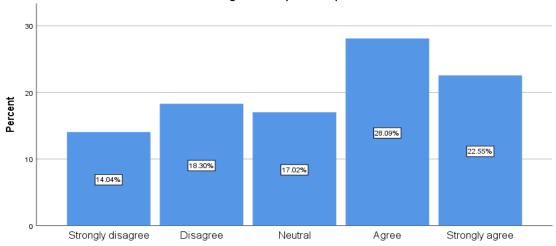


Confessions obtained during police interrogation in India are typically voluntary and truthful.

Legend: The figure 10 speaks about confession obtained during police interrogation in India are typically voluntary and truthful.

FIGURE 11

Simple Bar Percent of The police in India adhere to legal guidelines and safeguards during interrogations to ensure the rights of suspects are protected.



The police in India adhere to legal guidelines and safeguards during interrogations to ensure the rights of suspects are protected.

Legend: The figure 11 states the police in India adhere to legal guidelines and safeguards during interrogations to ensure the rights of suspects are protected.





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V. RESULTS

Figure 1: 31.06% of the people have stated that language barriers play a major role in the opinion on what can be the problems faced during Confessions and Interrogation Practices in India. Figure 2: 20.85% of the third gender people are very much aware that aware of legal safeguards in place to protect individuals during police interrogation in India along with gender. Figure 3: 17.30% of the people who are between the 18-30 years have disagreed that confession obtained police interrogation in India are typically voluntary and truthful along with age. Figure 4: 14.17% of the people who are graduated above post graduation have agreed that the police in India adhere to legal guideliness and safeguards during interrogations to ensure the rights of suspects are protected along with educational qualifications. Figure 5:8.09% of public servant strongly disagree, 16.17% of private employee disagree, 6.38% of retired people neutrally agree, 23.40% of self employees agree and 13.19% of dependent people strongly agree that indian legal system provides adequate protection against coerced confessions and ensures the voluntaries of statement during the interrogation along with occupation. Figure 6 23.13% urban people agree and 13.62% of rural people disagree that reforms are needed to improve the fairness and reliability of confessions and interrogation practices in india. Figure 7 15.74% of below 30.000/- states that language barriers, 13.19% of 30,000-50,000/- states that poor recording practices and 15.32% of above 50,000/- income states that coercion and torture are the problems faced during confession and interrogation practices in india. Figure 8 32.06% of people states that language barriers are the problems faced during confession and interrogation practices in india. **Figure 9** 26.38% of people are very aware about the safeguards in place to protect individuals during police interrogation in india. Figure 10 27.23% of people agree that confession obtained during police interrogation in india are typically voluntary and truthful. Figure 11 28.09% of people agree that police in india adhere to legal guidelines and safeguards during interrogations to ensure the rights of suspects are protected.

VI. DISCUSSION

Figure 1: 31.06% of the people have stated that language barriers play a major role in the opinion on what can be the problems faced during Confessions and Interrogation Practices in India. Figure 2: 20.85% of the third gender people are very much aware of legal safeguards in place to protect individuals during police interrogation in India along with gender. Figure 3: 17.30% of the people who are between 18-30 have disagreed that confession obtained through police interrogation in India are typically voluntary and truthful along with age. Figure 4: 14.17% of the people who are graduated above post graduation have agreed that the police in India adhere to legal guidelines and safeguards during interrogations to ensure the rights of suspects are protected along with educational qualifications. Figure 5:8.09% of public servant strongly disagree, 16.17% of private employee disagree, 6.38% of retired people neutrally agree, 23.40% of self employees agree and 13.19% of dependent people strongly agree that indian legal system provides adequate protection against coerced confessions and ensures the voluntaries of statement during the interrogation along with occupation. Figure 6: 23.13% urban people agree and 13.62% of rural people disagree that reforms are needed to improve the fairness and reliability of confessions and interrogation practices in india. Figure 7: 15.74% of below 30.000/- states that language barriers, 13.19% of 30,000-50,000/- states that poor recording practices and 15.32% of above 50,000/- income states that coercion and torture are the problems faced during confession and interrogation practices in india. Figure 8: 32.06% of people states that language barriers are the problems faced during confession and interrogation practices in india. Figure 9: 26.38% of people are very aware about the safeguards in place to protect individuals during police interrogation in india. Figure 10:27.23% of people agree that confession obtained during police interrogation in india are typically voluntary and truthful. Figure 11: 28.09% of people agree that police in india adhere to legal guidelines and safeguards during interrogations to ensure the rights of suspects are protected.

LIMITATIONS

Convenient sampling method has been used in this study.

SUGGESTIONS

Training and Education: Provide comprehensive training to law enforcement personnel on interrogation techniques that

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emphasize ethical practices, respect for human rights, and adherence to legal procedures. This training should include understanding cultural sensitivities and diverse backgrounds of suspects. Legal Safeguards: Ensure that suspects are informed of their rights, including the right to remain silent and the right to legal representation, as guaranteed by the Constitution of India and international human rights standards. Implement safeguards to prevent coerced confessions, such as mandatory recording of interrogations. Video Recording: Mandate the video recording of all custodial interrogations from the beginning to end to enhance transparency and accountability. This practice can help document the interrogation process and prevent abuses or coercion. Independent Oversight: Establish independent oversight mechanisms, such as review boards or commissions, to monitor interrogation practices, investigate allegations of misconduct, and hold accountable those who violate rights during interrogations. Interrogation Guidelines: Develop clear and standardized guidelines for interrogations, including permissible interrogation techniques and time limits for questioning. These guidelines should prohibit torture, ill-treatment, or any form of coercion. Access to Legal Counsel: Ensure that suspects have prompt access to legal counsel throughout the interrogation process. Legal counsel can advise suspects of their rights, prevent coercion, and safeguard against wrongful convictions.

VII. CONCLUSIONS

From the survey taken everyone is aware of the confessions and interrogation practices. The practices surrounding confessions and interrogations in India raise significant legal and ethical concerns. While obtaining confessions can be a crucial tool in solving crimes and securing convictions, it is essential that these practices adhere to legal standards and respect human rights. In India, confessions made to police officers are generally inadmissible as evidence in court due to concerns about coercion, intimidation, and abuse during interrogations. The landmark case of Nandini Satpathy v. P.L. Dani established the principle that confessions made to police officers are unreliable and cannot be admitted as evidence. Despite legal safeguards, reports of police misconduct, torture, and coercion during interrogations persist. These practices undermine the integrity of the criminal justice system and violate the fundamental rights of individuals. To address these issues, there is a need for stricter enforcement of legal safeguards, enhanced training for law enforcement officers, and greater oversight of interrogation practices. Additionally, promoting alternative investigative techniques and strengthening legal aid services can help ensure that suspects are treated fairly and that justice is served. In conclusion, while confessions and interrogations are essential components of criminal investigations, it is imperative that these practices are conducted in a manner that upholds the rule of law, protects human rights, and ensures the fair treatment of all individuals involved in the criminal justice system.

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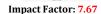




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