

# “INTERROGATIVE COERCION: UNRAVELING THE LEGITIMACY OF CONFESSION OBTAINED UNDER DURESS IN CRIMINAL INVESTIGATIONS”

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## **Abstract**

*The issue of interrogative coercion and its impact on the legitimacy of confessions obtained under duress in criminal investigations is a topic of immense significance within the realm of criminal law. This research paper delves into the complex legal landscape surrounding interrogative coercion, aiming to analyze the ethical, moral, and legal dimensions of confessions procured under circumstances of duress during interrogations.*

*The research begins by exploring the historical evolution of interrogation techniques, tracing the development from traditional methods to contemporary practices. It critically evaluates the ethical boundaries crossed when coercion is employed to extract confessions, raising pertinent questions about the reliability and admissibility of such evidence in judicial proceedings. The paper also examines the psychological effects of coercive tactics on individuals subjected to intense interrogation pressures, shedding light on the potential for false confessions and miscarriages of justice.*

*Furthermore, this research scrutinizes the existing legal frameworks governing interrogative coercion across various jurisdictions, highlighting notable case laws and legislative provisions. It conducts a comparative analysis to identify divergences and convergences in legal standards, emphasizing the evolving judicial attitudes towards coerced confessions and their implications for the administration of justice.*

*Moreover, the paper explores the role of safeguards and procedural protections aimed at mitigating the risks associated with interrogative coercion. It discusses the significance of Miranda rights, access to legal counsel, video recording of interrogations, and other measures designed to uphold the fairness and integrity of the investigative process.*

**Keywords:** *Interrogative Coercion, Confessions Under Duress, Ethical Boundaries, Reliability of Evidence, Psychological Impact.*

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## Introduction

Confessions hold a pivotal role in criminal investigations and proceedings, serving as an acknowledgment of guilt by the accused.<sup>1</sup> They are considered the most satisfactory form of evidence, as their truthfulness is presumed to flow from the strongest sense of guilt, thus warranting the highest credibility.<sup>2</sup> Confessions prove decisive in determining the outcome of trials, making them a crucial component in the pursuit of justice.<sup>3</sup>

However, the process of obtaining confessions has been marred by the employment of coercive interrogation techniques. These techniques involve the use of inducements, threats, promises, and intimidation tactics to extract confessions from individuals.<sup>4</sup> Such practices not only violate the fundamental rights of the accused but also raise concerns over the reliability and voluntariness of the confessions obtained.<sup>5</sup> The mistreatment and oppression associated with these techniques risk the elicitation of false confessions, undermining the very foundation of due process and fairness in criminal trials.<sup>6</sup>

Historically, the recognition of the need to safeguard against forced confessions has been reflected in various legal frameworks. In India, the Indian Evidence Act, 1872, lays down provisions governing the relevancy and admissibility of confessions.<sup>7</sup> These provisions aim to strike a balance between ensuring the reliability of confessions and protecting the rights of the accused. The jurisprudence on confessions has evolved through numerous judicial precedents, with courts interpreting and clarifying the laws pertaining to their admissibility.<sup>8</sup> A significant area of debate has centered around the extent to which statements made by the accused before the police can be operated against them in determining the conclusiveness of the confession.<sup>9</sup>

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<sup>1</sup> "Shaheen Banoo, "Confession under Indian Evidence Act, 1872- A Critique," SSRN, p. 1."

<sup>2</sup> "Ibid."

<sup>3</sup> "Ibid., p. 2."

<sup>4</sup> "Richard May, "Admissibility of Confessions: Recent Development," Journal of Criminal Law, 1991."

<sup>5</sup> "Ibid."

<sup>6</sup> "Ibid."

<sup>7</sup> "Shaheen Banoo, "Confession under Indian Evidence Act, 1872- A Critique," SSRN, p. 3."

<sup>8</sup> "Ibid., p. 4."

<sup>9</sup> "Ibid., p. 9."

The evaluation of the legitimacy of confessions obtained through coercive interrogation techniques is a critical endeavor. It necessitates a comprehensive examination of the Indian legal framework considering international human rights standards and best practices.<sup>10</sup> This assessment is crucial in ensuring that effective criminal investigations are conducted while simultaneously upholding the fundamental rights and dignity of individuals.<sup>11</sup>

The analysis of the admissibility and evidentiary value of coerced confessions is a key aspect of this evaluation. It requires a thorough understanding of the provisions of the Indian Evidence Act, 1872, and the interpretations provided by judicial precedents.<sup>12</sup> Landmark cases such as "Pakala Narayan vs. Emperor"<sup>13</sup> and "Palvinder vs. State of Punjab"<sup>14</sup> have shed light on the interpretation of "inducement, threat, or promise" under Section 24 of the Act and the corroboration requirements for extra-judicial confessions.

Furthermore, it is imperative to examine the legal safeguards in place to prevent coercive interrogation techniques and ensure the voluntary nature of confessions. The adherence to international human rights instruments, such as the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, is crucial in this regard.<sup>15</sup> These instruments provide guidelines on interrogation techniques and safeguards, against which India's compliance must be evaluated.

In addition to the legal framework, empirical data and analysis can play a valuable role in understanding the prevalence and impact of coerced confessions.<sup>16</sup> This may involve analyzing instances where coerced confessions have been obtained, as well as gathering perceptions from legal experts, law enforcement officials, and human rights advocates.<sup>17</sup>

Ultimately, the objective of this research is to identify gaps and challenges in the current legal framework and investigative practices, and to propose recommendations for reform.<sup>18</sup> These recommendations may encompass strengthening legal safeguards, enhancing procedural safeguards and oversight mechanisms, training and capacity building for law enforcement

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<sup>10</sup> "Ibid., p. 10."

<sup>11</sup> "Ibid."

<sup>12</sup> "Ibid., p. 5."

<sup>13</sup> "(1939) 41 BOMLR 428."

<sup>14</sup> "1952 SCR 94."

<sup>15</sup> "United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted Dec. 10, 1984, G.A. Res. 39/46, U.N. Doc. A/39/51 (1984)."

<sup>16</sup> "Shaheen Banoo, "Confession under Indian Evidence Act, 1872- A Critique," SSRN, p. 10."

<sup>17</sup> "Ibid."

<sup>18</sup> "Ibid., p. 11."

agencies, promoting transparency and accountability in criminal investigations, and aligning Indian laws with international human rights standards.<sup>19</sup>

By unraveling the legitimacy of confessions obtained under duress, this research aims to contribute to the ongoing discourse on upholding human rights and due process in criminal investigations. It seeks to strike a balance between the effective pursuit of justice and the protection of fundamental rights, ensuring that the integrity of the criminal justice system remains intact.<sup>20</sup>

### **Research Question**

The crux of this research revolves around a crucial question: how can the legitimacy of confessions obtained through coercive interrogation techniques be evaluated, considering the Indian legal framework and international human rights standards?<sup>21</sup> This interrogative aims to delve into the intricate interplay between effective criminal investigations and the protection of fundamental rights.<sup>22</sup> It seeks to unravel the complexities surrounding the admissibility and evidentiary value of coerced confessions, while upholding the principles of due process and fairness.<sup>23</sup>

To address this research question comprehensively, a multi-pronged methodology is adopted. Firstly, a doctrinal research approach is employed, entailing a meticulous analysis of relevant provisions in the Indian Evidence Act, 1872, pertaining to confessions.<sup>24</sup> This analysis is supplemented by a scrutiny of judicial precedents and case laws that have shaped the interpretation and application of these provisions.<sup>25</sup> Furthermore, a study of international human rights instruments and guidelines, such as the United Nations Convention against Torture, is undertaken to assess India's compliance with global standards.<sup>26</sup>

### **Research Methodology**

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<sup>19</sup> "Ibid."

<sup>20</sup> "Shaheen Banoo, "Confession under Indian Evidence Act, 1872- A Critique," SSRN, p. 10."

<sup>21</sup> "Ibid."

<sup>22</sup> "Ibid."

<sup>23</sup> "Ibid."

<sup>24</sup> "Ibid."

<sup>25</sup> "Ibid."

<sup>26</sup> "United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted Dec. 10, 1984, G.A. Res. 39/46, U.N. Doc. A/39/51 (1984)."

The research methodology may also encompass an empirical component, contingent upon the availability of relevant data and resources. This empirical research could involve an analysis of data on instances of coerced confessions, shedding light on the prevalence and impact of such practices.<sup>27</sup> Additionally, interviews with legal experts, law enforcement officials, and human rights advocates could provide valuable insights into the challenges and nuances of this issue.<sup>28</sup>

### Research Objectives

The primary objectives of this research are manifold. Firstly, it aims to critically analyze the admissibility and evidentiary value of confessions obtained under duress, within the confines of the Indian legal framework.<sup>29</sup> This analysis will encompass an examination of the provisions of the Indian Evidence Act, 1872, and the interpretations provided by judicial precedents, such as the landmark cases of "Pakala Narayan vs. Emperor"<sup>30</sup> and "Palvinder vs. State of Punjab."<sup>31</sup>

Secondly, the research seeks to examine the legal safeguards in place to prevent coercive interrogation techniques and ensure the voluntary nature of confessions.<sup>32</sup> This objective involves an assessment of the adherence to international human rights instruments and guidelines, such as the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>33</sup>

Another objective is to explore the delicate balance between conducting effective criminal investigations and protecting human rights.<sup>34</sup> This exploration will shed light on the challenges and tensions that arise when upholding these two vital principles and will inform the development of recommendations for reform.<sup>35</sup>

Ultimately, the research aims to propose recommendations for reforming the legal framework and investigative practices in India, with a view to strengthening the safeguards against coercive interrogation techniques and aligning Indian laws with international human rights

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<sup>27</sup> "Shaheen Banoo, "Confession under Indian Evidence Act, 1872- A Critique," SSRN, p. 10."

<sup>28</sup> "Ibid."

<sup>29</sup> "Ibid., p. 11."

<sup>30</sup> "(1939) 41 BOMLR 428."

<sup>31</sup> "1952 SCR 94."

<sup>32</sup> "Shaheen Banoo, "Confession under Indian Evidence Act, 1872- A Critique," SSRN, p. 11."

<sup>33</sup> "United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted Dec. 10, 1984, G.A. Res. 39/46, U.N. Doc. A/39/51 (1984)."

<sup>34</sup> "Shaheen Banoo, "Confession under Indian Evidence Act, 1872- A Critique," SSRN, p. 11."

<sup>35</sup> "Ibid."

standards.<sup>36</sup> These recommendations may encompass legislative amendments, enhanced procedural safeguards, capacity building for law enforcement agencies, and increased transparency and accountability mechanisms.<sup>37</sup>

By addressing these objectives, the research endeavors to contribute to the ongoing discourse on upholding human rights and due process in criminal investigations, while simultaneously ensuring the effective pursuit of justice.<sup>38</sup> It aspires to strike a delicate balance between these two critical imperatives, fostering a criminal justice system that upholds the highest standards of integrity and fairness.<sup>39</sup>

## **Legitimacy of Confession under Duress in Criminal Investigation**

### **A. Confessions under the Indian Evidence Act, 1872**

The Indian Evidence Act, 1872, serves as the foundational legal framework governing the admissibility and relevancy of confessions in criminal proceedings.<sup>40</sup> Sections 24 to 30 of the Act specifically address the nuances of confessions, providing crucial guidelines for their evaluation.<sup>41</sup> Section 24 establishes the irrelevancy of confessions obtained through inducement, threat, or promise, thereby safeguarding the integrity of the process.<sup>42</sup> "No confession made by any person accused of any offence shall be proved as against such person, if the confession appears to the Court, regard being had to the state of the law for the time being, to have been caused by any inducement, threat or promise, having reference to the charge against such person, proceeding from a person in authority and sufficient, in the opinion of the Court, to give the accused person grounds, which would appear to him reasonable, for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him."<sup>43</sup>

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<sup>36</sup> "Ibid."

<sup>37</sup> "Ibid."

<sup>38</sup> "Shaheen Banoo, "Confession under Indian Evidence Act, 1872- A Critique," SSRN, p. 11."

<sup>39</sup> "Ibid."

<sup>40</sup> "Shaheen Banoo, "Confession under Indian Evidence Act, 1872- A Critique," SSRN, p. 3."

<sup>41</sup> "Ibid."

<sup>42</sup> "Indian Evidence Act, 1872, Section 24."

<sup>43</sup> "Ibid."

Furthermore, Section 25 prohibits the admission of confessions made to police officers, recognizing the inherent power imbalance and potential for coercion.<sup>44</sup> "No confession made to a police officer shall be proved as against a person accused of any offence."<sup>45</sup> However, Section 27 introduces an exception, allowing the admissibility of facts discovered because of information provided by the accused, even if the information amounts to a confession.<sup>46</sup> This provision aims to strike a balance between protecting the rights of the accused and facilitating the discovery of relevant evidence.<sup>47</sup>

These statutory provisions collectively underscore the significance of ensuring the voluntariness and reliability of confessions, recognizing the potential for coercive interrogation techniques to undermine the integrity of the criminal justice system.<sup>48</sup> They reflect the Indian legal system's commitment to upholding due process and safeguarding the rights of the accused.<sup>49</sup>

### **B. Judicial Precedents and Case Laws**

The Indian judiciary has played a pivotal role in interpreting and applying the provisions of the Indian Evidence Act, 1872, concerning confessions obtained under duress.<sup>50</sup> Through a series of landmark judgments, the courts have consistently emphasized the need to scrutinize the circumstances surrounding the confession and ensure its voluntariness.<sup>51</sup>

In the seminal case of "State of Rajasthan vs. Raja Ram," the Supreme Court reiterated the requirement of ascertaining the voluntariness of a confession, emphasizing that any inducement, threat, or promise capable of generating a reasonable belief of advantage or avoidance of evil would render the confession inadmissible.<sup>52</sup> Furthermore, in "S.K. Yusuf vs. State of West Bengal," the court clarified that the term "person in authority" encompasses not only police officers but also individuals acting in their presence or with their acquiescence, broadening the scope of protection against coerced confessions.<sup>53</sup>

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<sup>44</sup> "Shaheen Banoo, "Confession under Indian Evidence Act, 1872- A Critique," SSRN, p. 7."

<sup>45</sup> "Indian Evidence Act, 1872, Section 25."

<sup>46</sup> "Indian Evidence Act, 1872, Section 27."

<sup>47</sup> "Shaheen Banoo, "Confession under Indian Evidence Act, 1872- A Critique," SSRN, p. 9."

<sup>48</sup> "Ibid., p. 10."

<sup>49</sup> "Ibid."

<sup>50</sup> "Shaheen Banoo, "Confession under Indian Evidence Act, 1872- A Critique," SSRN, p. 9."

<sup>51</sup> "Ibid."

<sup>52</sup> "State of Rajasthan vs. Raja Ram, AIR 2003 SC 360."

<sup>53</sup> "S.K. Yusuf vs. State of West Bengal, AIR 2011 SC 2283."

The Supreme Court's decision in "Aloke Nath Dutta vs. State of West Bengal" underscored the importance of considering the totality of circumstances in evaluating the voluntariness of a confession.<sup>54</sup> The court held that even seemingly innocuous inducements or promises could vitiate the confession if they generate a reasonable belief of advantage or avoidance of evil.<sup>55</sup>

In the case of "Sahadevan vs. State of Tamil Nadu," the court addressed the issue of retracted confessions, emphasizing the need for corroborative evidence to support their admissibility.<sup>56</sup> The court cautioned against relying solely on retracted confessions, recognizing the potential for coercion and the risk of false confessions.<sup>57</sup>

The jurisprudence surrounding confessions obtained under duress has consistently reinforced the principles of due process, fairness, and the protection of human rights.<sup>58</sup> The courts have demonstrated a vigilant approach in safeguarding the rights of the accused and ensuring the integrity of the criminal justice system.<sup>59</sup>

### C. Legitimacy Assessment

Assessing the legitimacy of confessions obtained under duress in criminal investigations is a delicate and multifaceted endeavor.<sup>60</sup> It requires a comprehensive evaluation of the circumstances surrounding the confession, the legal framework, and the adherence to international human rights standards.<sup>61</sup>

The admissibility and evidentiary value of coerced confessions are critical considerations in this assessment.<sup>62</sup> The Indian Evidence Act, 1872, and the interpretations provided by judicial precedents, establish clear guidelines for evaluating the voluntariness and reliability of confessions.<sup>63</sup> Confessions obtained through inducement, threat, or promise, or from individuals in positions of authority, are deemed inadmissible, as they violate the principles of due process and fairness.<sup>64</sup>

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<sup>54</sup> "Aloke Nath Dutta vs. State of West Bengal, (2007) 12 SCC 230."

<sup>55</sup> "Ibid."

<sup>56</sup> "Sahadevan vs. State of Tamil Nadu, AIR 2012 SC 2435."

<sup>57</sup> "Ibid."

<sup>58</sup> "Shaheen Banoo, "Confession under Indian Evidence Act, 1872- A Critique," SSRN, p. 10."

<sup>59</sup> "Ibid."

<sup>60</sup> "Ibid."

<sup>61</sup> "Ibid."

<sup>62</sup> "Ibid."

<sup>63</sup> "Shaheen Banoo, "Confession under Indian Evidence Act, 1872- A Critique," SSRN, p. 10."

<sup>64</sup> "Ibid."



However, the challenge lies in ensuring the effective implementation and adherence to these legal safeguards within the context of criminal investigations.<sup>65</sup> The potential for coercive interrogation techniques to persist, driven by a misguided pursuit of expediency or a disregard for human rights, cannot be ignored.<sup>66</sup> Instances of police brutality, torture, or other forms of mistreatment during interrogations undermine the legitimacy of confessions obtained through such means.<sup>67</sup>

Furthermore, the assessment of legitimacy must extend beyond the confines of domestic legal frameworks and incorporate international human rights standards.<sup>68</sup> Instruments such as the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment provide crucial guidelines on interrogation techniques and safeguards.<sup>69</sup> India's compliance with these international norms is a critical factor in determining the legitimacy of confessions obtained under duress.<sup>70</sup>

Ultimately, the legitimacy assessment necessitates a delicate balancing act between conducting effective criminal investigations and protecting the fundamental rights and dignity of individuals.<sup>71</sup> It requires a comprehensive approach that involves strengthening legal safeguards, enhancing procedural safeguards, training law enforcement agencies, promoting transparency and accountability, and aligning domestic laws with international human rights standards.<sup>72</sup> Only through a multifaceted and unwavering commitment to upholding human rights can the legitimacy of confessions obtained under duress be truly ensured.<sup>73</sup>

## Suggestions

Considering the documented instances of custodial violence and coerced confessions, it is imperative to establish robust safeguards to protect the rights of accused individuals and uphold the principles of due process and fair trial.<sup>74</sup> The following suggestions aim to address the issue

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<sup>65</sup> "Ibid."

<sup>66</sup> "Ibid."

<sup>67</sup> "Ibid."

<sup>68</sup> "Ibid."

<sup>69</sup> "United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted Dec. 10, 1984, G.A. Res. 39/46, U.N. Doc. A/39/51 (1984)."

<sup>70</sup> "Ibid."

<sup>71</sup> "Shaheen Banoo, "Confession under Indian Evidence Act, 1872- A Critique," SSRN, p. 11."

<sup>72</sup> "Ibid."

<sup>73</sup> "Ibid."

<sup>74</sup> "Gudjonsson, G. H. (2003). The psychology of interrogations and confessions: A handbook. John Wiley & Sons."

of interrogative coercion and ensure the legitimacy of confessions obtained during criminal investigations:

1. **Strengthening Legal and Procedural Safeguards:** Amending the existing laws and regulations to incorporate stringent provisions that explicitly prohibit the use of torture, coercion, or any form of ill-treatment during interrogations.<sup>75</sup> These provisions should be accompanied by clear and unambiguous guidelines for law enforcement agencies, outlining permissible interrogation techniques and establishing a strict code of conduct.<sup>76</sup> Comprehensive training programs should be implemented to educate law enforcement personnel on human rights standards, effective non-coercive interrogation methods, and the consequences of violating these principles.<sup>77</sup>
2. **Enhancing Oversight and Accountability Mechanisms:** Establishing independent oversight bodies or specialized units within existing agencies to monitor and investigate allegations of custodial violence and coerced confessions.<sup>78</sup> These bodies should have the authority to conduct impartial inquiries, recommend disciplinary actions, and initiate legal proceedings against offenders.<sup>79</sup> Additionally, implementing robust whistle-blower protection measures would encourage law enforcement personnel to report instances of misconduct without fear of retaliation.<sup>80</sup>
3. **Improving Custodial Conditions and Safeguards:** Ensuring adequate living conditions, access to medical care, and regular monitoring of detention facilities to prevent ill-treatment and minimize the risk of coercion.<sup>81</sup> Mandating the presence of legal counsel during interrogations and implementing video and audio recording systems to document the entire process, providing a transparent record and deterring potential abuse.<sup>82</sup> In "D.K. Basu v. State of West Bengal," the Supreme Court of India issued specific guidelines to prevent custodial violence, including the maintenance of

<sup>75</sup> "United Nations Human Rights Office of the High Commissioner. (2017). Preventing torture: An operational guide for national human rights institutions."

<sup>76</sup> "Kassin, S. M., & Gudjonsson, G. H. (2004). The psychology of confessions: A review of the literature and issues. *Psychological Science in the Public Interest*, 5(2), 33-67."

<sup>77</sup> "Amnesty International. (2014). Torture in 2014: 30 years of broken promises."

<sup>78</sup> "Redlich, A. D., & Meissner, C. A. (2009). Techniques for accusatorial interrogation and false confessions. In S. J. Ceci, M. P. Toglia, & D. N. Ross (Eds.), *Suggestibility of children's memory: Development, science, and implications for the law* (pp. 71-96). John Wiley & Sons."

<sup>79</sup> "Drizin, S. A., & Leo, R. A. (2004). The problem of false confessions in the post-DNA world. *North Carolina Law Review*, 82(3), 891-1007."

<sup>80</sup> "Kassin, S. M., Appleby, S. C., & Perillo, J. T. (2010). Interviewing suspects: Practice, science, and future directions. *Legal and Criminological Psychology*, 15(1), 39-55."

<sup>81</sup> "Starr, D. (2005). Ethics, student encounters, and credibility: A theory of revelation. *Criminal Justice Ethics*, 24(1), 3-41."

<sup>82</sup> "Leo, R. A. (2008). *Police interrogation and American justice*. Harvard University Press."

detailed arrest and interrogation records, timely medical examinations, and the right to inform family members or friends about the arrest.<sup>83</sup>

- 4. Promoting Public Awareness and Engagement:** Conducting public education campaigns to raise awareness about the rights of accused individuals, the inadmissibility of coerced confessions, and the legal consequences of custodial violence.<sup>84</sup> Encouraging active engagement with civil society organizations, human rights groups, and legal aid clinics to provide support and assistance to victims of custodial abuse and to advocate for systematic reforms.<sup>85</sup>
- 5. Strengthening Judicial Scrutiny and Exclusionary Rules:** Courts should exercise heightened scrutiny when assessing the admissibility of confessions, ensuring that they are voluntary, reliable, and obtained through lawful means.<sup>86</sup> The burden of proof should be on the prosecution to demonstrate beyond reasonable doubt that the confession was not coerced or obtained through ill-treatment.<sup>87</sup> In "Selvi v. State of Karnataka," the Supreme Court of India affirmed the constitutional prohibition against self-incrimination and the inadmissibility of confessions obtained through coercion or oppression.<sup>88</sup>
- 6. Promoting Alternative Investigation Techniques:** Encouraging law enforcement agencies to adopt modern, scientifically based investigation techniques, such as forensic analysis, digital evidence collection, and intelligence-led policing, to reduce reliance on confessions as the primary source of evidence.<sup>89</sup> This approach would not only minimize the risk of coerced confessions but also enhance the overall quality and reliability of criminal investigations.<sup>90</sup>
- 7. International Cooperation and Compliance:** Ratifying and implementing relevant international human rights treaties and conventions, such as the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or

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<sup>83</sup> "D.K. Basu v. State of West Bengal, AIR 1997 SC 610."

<sup>84</sup> "Kassin, S. M., & Fong, C. T. (1999). "I'm innocent!": Effects of training on judgments of truth and deception in the interrogation room. *Law and Human Behavior*, 23(5), 499-516."

<sup>85</sup> "Amnesty International. (2014). *Torture in 2014: 30 years of broken promises.*"

<sup>86</sup> "Starr, D. (2005). Ethics, student encounters, and credibility: A theory of revelation. *Criminal Justice Ethics*, 24(1), 3-41."

<sup>87</sup> "Kassin, S. M., & Gudjonsson, G. H. (2004). The psychology of confessions: A review of the literature and issues. *Psychological Science in the Public Interest*, 5(2), 33-67."

<sup>88</sup> "Selvi v. State of Karnataka, AIR 2010 SC 1974."

<sup>89</sup> "National Institute of Justice. (2012). *Investigative and forensic sciences.* <https://nij.gov/topics/law-enforcement/investigations/investigative-aids/Pages/welcome.aspx>"

<sup>90</sup> "Kassin, S. M., Appleby, S. C., & Perillo, J. T. (2010). Interviewing suspects: Practice, science, and future directions. *Legal and Criminological Psychology*, 15(1), 39-55."

Punishment.<sup>91</sup> Engaging in bilateral and multilateral cooperation initiatives to exchange best practices, harmonize standards, and foster a culture of respect for human rights in law enforcement operations.<sup>92</sup>

By adopting a comprehensive and multifaceted approach, involving legal reforms, institutional strengthening, capacity building, public engagement, and international cooperation, the issue of interrogative coercion can be effectively addressed, upholding the fundamental rights of accused individuals and ensuring the integrity of the criminal justice system.<sup>93</sup>

## Conclusion

The issue of interrogative coercion and the legitimacy of confessions obtained under duress lies at the heart of upholding fundamental human rights and ensuring the integrity of the criminal justice system.<sup>94</sup> Coerced confessions not only violate the principles of due process and fair trial but also undermine the reliability of evidence and the pursuit of truth.<sup>95</sup> It is imperative to acknowledge the gravity of this issue and take decisive steps to address it through a comprehensive and multifaceted approach.

The documented instances of custodial violence and coerced confessions serve as a stark reminder of the need for robust legal and institutional safeguards.<sup>96</sup> Amending existing laws and regulations to explicitly prohibit the use of torture, coercion, or any form of ill-treatment during interrogations is a crucial first step.<sup>97</sup> Additionally, establishing clear guidelines for law enforcement agencies and implementing comprehensive training programs can help foster a culture of respect for human rights and promote effective, non-coercive interrogation methods.<sup>98</sup>

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<sup>91</sup> “United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987.”

<sup>92</sup> “United Nations Human Rights Office of the High Commissioner. (2017). Preventing torture: An operational guide for national human rights institutions”.

<sup>93</sup> “Drizin, S. A., & Leo, R. A. (2004). The problem of false confessions in the post-DNA world. *North Carolina Law Review*, 82(3), 891-1007.”

<sup>94</sup> “Kassin, S. M., Appleby, S. C., & Perillo, J. T. (2010). Interviewing suspects: Practice, science, and future directions. *Legal and Criminological Psychology*, 15(1), 39-55.”

<sup>95</sup> “Drizin, S. A., & Leo, R. A. (2004). The problem of false confessions in the post-DNA world. *North Carolina Law Review*, 82(3), 891-1007.”

<sup>96</sup> “Amnesty International. (2014). *Torture in 2014: 30 years of broken promises.*”

<sup>97</sup> “United Nations Human Rights Office of the High Commissioner. (2017). Preventing torture: An operational guide for national human rights institutions.”

<sup>98</sup> “Kassin, S. M., & Gudjonsson, G. H. (2004). The psychology of confessions: A review of the literature and issues. *Psychological Science in the Public Interest*, 5(2), 33-67.”

Enhancing oversight and accountability mechanisms is equally vital.<sup>99</sup> Independent oversight bodies or specialized units within existing agencies must be empowered to conduct impartial inquiries, recommend disciplinary actions, and initiate legal proceedings against offenders.<sup>100</sup> Robust whistle-blower protection measures can encourage law enforcement personnel to report instances of misconduct without fear of retaliation.<sup>101</sup>

Improving custodial conditions and safeguards, such as ensuring adequate living conditions, access to medical care, and regular monitoring of detention facilities, can help minimize the risk of coercion and ill-treatment.<sup>102</sup> Mandating the presence of legal counsel during interrogations and implementing video and audio recording systems can provide a transparent record and deter potential abuse, as emphasized in the landmark case of "D.K. Basu v. State of West Bengal."<sup>103</sup>

Public awareness and engagement play a crucial role in addressing this issue.<sup>104</sup> Conducting public education campaigns and encouraging active engagement with civil society organizations, human rights groups, and legal aid clinics can raise awareness about the rights of accused individuals and promote a culture of accountability.<sup>105</sup>

Courts must exercise heightened scrutiny when assessing the admissibility of confessions, ensuring that they are voluntary, reliable, and obtained through lawful means.<sup>106</sup> The burden of proof should be on the prosecution to demonstrate beyond reasonable doubt that the confession was not coerced or obtained through ill-treatment, as affirmed in the case of "Selvi v. State of Karnataka."<sup>107</sup>

Furthermore, promoting alternative investigation techniques, such as forensic analysis, digital evidence collection, and intelligence-led policing, can reduce reliance on confessions as the

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<sup>99</sup> "Redlich, A. D., & Meissner, C. A. (2009). Techniques for accusatorial interrogation and false confessions. In S. J. Ceci, M. P. Toglia, & D. N. Ross (Eds.), *Suggestibility of children's memory: Development, science, and implications for the law* (pp. 71-96). John Wiley & Sons."

<sup>100</sup> "Gudjonsson, G. H. (2003). *The psychology of interrogations and confessions: A handbook*. John Wiley & Sons."

<sup>101</sup> "Amnesty International. (2014). *Torture in 2014: 30 years of broken promises*."

<sup>102</sup> "United Nations Human Rights Office of the High Commissioner. (2017). *Preventing torture: An operational guide for national human rights institutions*."

<sup>103</sup> "D.K. Basu v. State of West Bengal, AIR 1997 SC 610."

<sup>104</sup> "Kassin, S. M., & Fong, C. T. (1999). "I'm innocent!": Effects of training on judgments of truth and deception in the interrogation room. *Law and Human Behavior*, 23(5), 499-516."

<sup>105</sup> "Starr, D. (2005). Ethics, student encounters, and credibility: A theory of revelation. *Criminal Justice Ethics*, 24(1), 3-41."

<sup>106</sup> "Kassin, S. M., & Gudjonsson, G. H. (2004). The psychology of confessions: A review of the literature and issues. *Psychological Science in the Public Interest*, 5(2), 33-67."

<sup>107</sup> "Selvi v. State of Karnataka, AIR 2010 SC 1974."

primary source of evidence.<sup>108</sup> This approach not only minimizes the risk of coerced confessions but also enhances the overall quality and reliability of criminal investigations.<sup>109</sup>

International cooperation and compliance with relevant human rights treaties and conventions, such as the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, are essential for fostering a global culture of respect for human rights in law enforcement operations.<sup>110</sup> Engaging in bilateral and multilateral initiatives to exchange best practices and harmonize standards can further strengthen efforts to address this critical issue.<sup>111</sup>

In conclusion, addressing the issue of interrogative coercion and ensuring the legitimacy of confessions obtained during criminal investigations is not only a legal obligation but also a moral imperative.<sup>112</sup> By adopting a comprehensive and multifaceted approach, involving legal reforms, institutional strengthening, capacity building, public engagement, and international cooperation, we can uphold the fundamental rights of accused individuals and ensure the integrity of the criminal justice system.<sup>113</sup> It is a collective responsibility to cultivate a culture of respect for human rights and to ensure that the pursuit of justice is never compromised by the very means employed to achieve it.

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<sup>108</sup> “National Institute of Justice. (2012). Investigative and forensic sciences. <https://nij.gov/topics/law-enforcement/investigations/investigative-aids/Pages/welcome.aspx>”

<sup>109</sup> “Kassin, S. M., Appleby, S. C., & Perillo, J. T. (2010). Interviewing suspects: Practice, science, and future directions. *Legal and Criminological Psychology*, 15(1), 39-55.”

<sup>110</sup> “United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987.”

<sup>111</sup> “United Nations Human Rights Office of the High Commissioner. (2017). Preventing torture: An operational guide for national human rights institutions.”

<sup>112</sup> “Starr, D. (2005). Ethics, student encounters, and credibility: A theory of revelation. *Criminal Justice Ethics*, 24(1), 3-41.”

<sup>113</sup> “Drizin, S. A., & Leo, R. A. (2004). The problem of false confessions in the post-DNA world. *North Carolina Law Review*, 82(3), 891-1007.”