
WHEN THE INNOCENT SAY “I DID IT”: FALSE CONFESSIONS, POLICE INTERROGATION, AND INDIA’S MISSING SAFEGUARDS

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ABSTRACT

Confessions are often regarded as among the most compelling forms of evidence in criminal proceedings. Yet, extensive research in legal psychology reveals a more complex reality: innocent individuals can and do confess to crimes they did not commit. Factors such as fear, stress, exhaustion, suggestibility, and the authoritative atmosphere of police interrogation can induce false admissions. Such pressures disproportionately affect juveniles and adults with mental health conditions or intellectual disabilities. This paper critically examines whether India’s legal framework effectively protects such vulnerable individuals during police questioning. It analyses constitutional safeguards under Articles 20(3), 21, and 22; the provisions on confessions in the Bharatiya Sakshya Adhiniyam, 2023; procedures for recording confessions in the Bharatiya Nagarik Suraksha Sanhita, 2023; custodial guidelines established in *D.K. Basu v. State of West Bengal*; and the specific protections of the Juvenile Justice (Care and Protection of Children) Act, 2015. The paper argues that, while India’s legal protections appear robust in theory, they primarily function as “courtroom” safeguards preventing the admissibility of coerced confessions, rather than directly regulating police practices during interrogation. Drawing on official custodial crime statistics and two Law Commission of India reports, the analysis demonstrates that this approach leaves the psychological roots of false confessions largely unaddressed. Furthermore, even the 2024 legislative reforms, which modernise the formalities of confession recording, do not fully close this gap. The paper concludes by proposing “front-end” measures: mandatory audio-visual recording of interrogations, guaranteed access to legal counsel, and adoption of an “appropriate adult” model to support vulnerable suspects.

Keywords: false confessions; police interrogation; right against self-incrimination; juvenile justice; custodial safeguards; Bharatiya Sakshya Adhiniyam; legal psychology.

1. Introduction

Confessions occupy a distinctive position in criminal investigations. The notion that an innocent individual would confess to a crime is counterintuitive, leading investigators and the public to regard confessions as near conclusive evidence of guilt. However, substantial research in legal psychology demonstrates that this assumption is not always reliable.¹ Under certain conditions, innocent people may confess, and false confessions have contributed to documented miscarriages of justice.² A false confession occurs when an individual admits responsibility for an offence they did not commit, often due to fear, confusion, exhaustion, or a desire to end a distressing interrogation. The ramifications of false confessions are twofold: they risk punishing the innocent while allowing the actual perpetrator to remain at large, thereby undermining public safety. Thus, a false confession constitutes both an individual injustice and a broader threat to societal security. On its face, Indian law offers significant protections to suspects. The Constitution enshrines the right against self-incrimination,³ and statutory provisions generally render police confessions inadmissible as evidence.⁴ Nevertheless, this paper contends that most of these protections are of a particular nature; they operate primarily as “courtroom” safeguards, restricting what a judge may consider at trial, rather than as “interrogation-room” safeguards that regulate police conduct during questioning. This distinction is critical, as the psychological pressures leading to false confessions arise within the police station, well before any courtroom rule becomes relevant. Even if a confession is later excluded as evidence, the coercive conditions that produced it may still compromise the investigation, prompt the suspect to make other self-incriminating disclosures, or influence the proceedings in other ways. This issue is especially acute for juveniles and vulnerable persons, who are least equipped to withstand such pressures. The paper advances its thesis in four stages: it first examines the psychology underlying false confessions, then outlines India’s legal framework, including the recent criminal law reforms of 2024, before evaluating this framework in light of official data on custodial coercion and the findings of the Law Commission of India, with a view to identifying gaps between legal norms and actual practice. Finally, borrowing from the United Kingdom’s experience, it suggests reforms aimed at the

¹ Saul M Kassin and others, ‘Police-Induced Confessions: Risk Factors and Recommendations’ (2010) 34(1) *Law and Human Behavior* 3.

² Saul M Kassin and Gisli H Gudjonsson, ‘The Psychology of Confessions: A Review of the Literature and Issues’ (2004) 5(2) *Psychological Science in the Public Interest* 33.

³ Constitution of India, art 20(3).

⁴ Bharatiya Sakshya Adhiniyam, 2023, s 23.

interrogation room rather than only the courtroom.

2. Research Question and Hypothesis

This study seeks to answer a central question: To what extent do psychological factors contribute to false confessions, and are India's existing safeguards sufficient to protect juveniles and other vulnerable accused during police interrogation? The hypothesis advanced is that, although India's legal safeguards appear robust in theory, they are less effective in practice. This ineffectiveness stems from a focus on excluding unreliable confessions at trial, rather than on preventing coercive interrogation at its source. If this hypothesis is correct, reforms should prioritise changing police station practices rather than simply introducing additional rules of admissibility.

3. Methodology

This paper relies primarily on legal research and secondary sources, including legislation, judicial decisions, academic articles, books, government reports, and official data. These materials were used to explore both the psychological causes of false confessions and the legal safeguards intended to prevent them. The doctrinal analysis reviews the Constitution, recent criminal code reforms, juvenile justice legislation, and Supreme Court decisions concerning interrogation and confessions. Secondary sources include scholarly works on the psychology of confession and official documents, such as the National Crime Records Bureau data and the Law Commission of India's reports.

Two limitations must be acknowledged. First, this is not an original empirical study; no primary interviews with detainees or investigators were conducted, so conclusions regarding practice are drawn from published data and official findings rather than fieldwork. Second, India's custodial statistics capture custodial deaths and human rights complaints, not false confessions specifically, as there is no dedicated data on disputed confessions. These figures are thus used as indirect indicators of the coercive conditions associated with false confessions, rather than as direct evidence.

4. The Psychology of False Confessions

Legal psychology examines how psychological processes shape legal decisions. Five ideas, taken together, help explain why an innocent person might confess.

4.1 Memory

Human memory is reconstructive; it is not a perfect recording of events. Stress, repeated questioning, and suggestions from other people can all change what a person believes they remember. A suspect can end up genuinely unsure of what happened and, in extreme cases, may even come to accept a false version of events as the truth.

4.2 Fear and stress

Interrogation is, by its nature, stressful. Fear of punishment, of being locked up, or of public shame can cloud a person's thinking and push them towards whatever answer seems most likely to relieve the immediate pressure.

4.3 Compliance

Compliance is the tendency to go along with others to avoid conflict or to get short-term relief. A suspect may simply agree with the investigators to end the questioning, all the while privately knowing they are innocent.

4.4 Suggestibility

Suggestibility is the tendency to accept information offered by others. Research by the psychologist Gisli Gudjonsson shows that children and vulnerable adults are, on average, more suggestible, making them more likely to accept an interviewer's version of events.⁵

4.5 Authority

People tend to obey authority figures even when it makes them uncomfortable. A police officer carries obvious authority, and that can feel completely overwhelming to a young or anxious suspect who does not feel able to refuse or assert their rights. None of this means that confessions are generally unreliable; most of them are perfectly genuine. The point is narrower than that. Under certain conditions, psychological pressure can increase the likelihood of false confessions, especially among vulnerable individuals.⁶ A short example makes the idea concrete. Picture a sixteen-year-old held at a police station late into the night, kept away from

⁵ Gisli H Gudjonsson, *The Psychology of Interrogations and Confessions: A Handbook* (John Wiley & Sons 2003).

⁶ Kassin and others (n 1).

his parents and told he can go home the moment he “just admits” what happened. Frightened and exhausted, he might sign whatever is put in front of him, not because he is guilty, but because confessing looks like the only way out.

4.6 Why Juveniles Are Especially Vulnerable

Children and teenagers are especially at risk during police interrogation, largely because they often understand very little about their own legal rights. Compared with adults, juveniles are more likely to trust authority figures, seek approval from the adults around them, and focus on what happens next rather than the long-term consequences. Psychological research suggests that young people are generally more easily pressured, particularly when they are scared, isolated, or unsure of what is going on.⁷ A child who believes that cooperating will get them home faster may agree with the investigators even when what they are agreeing to is not actually true. This matters a lot in India, because the juvenile justice system already accepts that children need extra protection. And if juveniles really are more prone to suggestibility and compliance, then safeguards against false confessions become more important for them, not less.

5. The Indian Legal Framework

5.1 Constitutional protections

Article 20(3) of the Constitution says that no person accused of an offence shall be compelled to be a witness against himself.⁸ In the landmark case of *Nandini Satpathy v. P.L. Dani*, the Supreme Court held that this protection extends beyond the trial; it also applies during police questioning at the investigation stage.⁹ The Court recognised the suspect’s right to stay silent and stressed the importance of access to a lawyer during police questioning. Article 21, which guarantees life and personal liberty, has been broadly construed to include fairness, dignity, and due process,¹⁰ and Article 22(1) gives an arrested person the right to consult and be defended by a legal practitioner of their choice.¹¹ How far these guarantees reach is shown by *Selvi v. State of Karnataka*, where the Supreme Court held that the involuntary use of narco-

⁷ *ibid.* See also Steven A Drizin and Richard A Leo, ‘The Problem of False Confessions in the Post-DNA World’ (2004) 82 *North Carolina Law Review* 891.

⁸ Constitution of India, art 20(3).

⁹ *Nandini Satpathy v P.L. Dani* (1978) 2 SCC 424.

¹⁰ Constitution of India, art 21; *Maneka Gandhi v Union of India* (1978) 1 SCC 248.

¹¹ Constitution of India, art 22(1).

analysis, polygraph tests, and brain mapping violates both Article 20(3) and Article 21, so any results obtained under compulsion are inadmissible.¹² The Court placed voluntariness at the centre of the protection, and it is precisely the value that the law on false confessions seeks to protect.

5.2 The law on confessions

From 1 July 2024, India's colonial-era criminal laws were replaced by three new codes. Under the Bharatiya Sakshya Adhiniyam, 2023, any confession obtained through inducement, threat, coercion, or promise is irrelevant and inadmissible against the accused.¹³ More importantly, a confession made to a police officer cannot be proved against an accused at all, and a confession made in police custody is inadmissible unless it was made in the immediate presence of a Magistrate.¹⁴ There is one exception, contained in the proviso (the "discovery" rule): where information given by the accused leads to the discovery of a fact, such as the location of a hidden weapon, that part of the statement may be proved.¹⁵ These rules exist precisely because the law understands that police custody is, by its very nature, a pressured environment. By refusing to treat police confessions as evidence, the law takes away much of the legal incentive to extract them in the first place. That is the heart of the protection and, as Section 6 will argue, it is also its limitation, because keeping a confession out of trial is not the same as preventing the coercion that occurs during questioning.

5.3 Recording of confessions

The recording of a valid confession is governed by the Bharatiya Nagarik Suraksha Sanhita, 2023. Section 183 allows only a Magistrate, never a police officer, to record a confession.¹⁶ The Magistrate has to warn the person that they are not bound to confess and that anything they say can be used against them, and must be satisfied that the confession is genuinely voluntary. The new provision also expressly allows the confession or statement to be recorded by audio-video electronic means in the presence of the accused's advocate.¹⁷ This is a real step forward,

¹² *Selvi v State of Karnataka* (2010) 7 SCC 263.

¹³ Bharatiya Sakshya Adhiniyam, 2023, s 22.

¹⁴ Bharatiya Sakshya Adhiniyam, 2023, s 23(1) and (2).

¹⁵ Bharatiya Sakshya Adhiniyam, 2023, s 23, proviso.

¹⁶ Bharatiya Nagarik Suraksha Sanhita, 2023, s 183.

¹⁷ *ibid.*

because an objective recording is much harder to dispute later than a written record alone.

5.4 Safeguards against custodial abuse

In *D.K. Basu v. State of West Bengal*, the Supreme Court laid down detailed requirements for every arrest and detention. Officers must be clearly identified, an arrest memo must be witnessed, a relative or friend must be informed, and the detainee must be medically examined.¹⁸ These directions were later given statutory form by the Code of Criminal Procedure (Amendment) Act, 2008.¹⁹ An earlier decision, *Joginder Kumar v. State of U.P.*, had already warned that arrest should never become routine.²⁰ These cases connect to false confessions indirectly: the less coercive custody becomes, the fewer situations in which a frightened suspect confesses falsely.

5.5 Special protection for juveniles

The Juvenile Justice (Care and Protection of Children) Act, 2015, treats children very differently from adults. A child alleged to be in conflict with the law must be placed in the charge of a Special Juvenile Police Unit or a designated Child Welfare Police Officer and produced before the Juvenile Justice Board within twenty-four hours; in no circumstances may such a child be kept in a police lock-up or jail.²¹ The Act is generous about bail, and the Model Rules of 2016 require that parents or guardians be informed and that a child is never compelled to confess guilt.²² On paper, then, the coercive side of ordinary policing is supposed to be kept away from children altogether.

5.6 Why This Issue Matters Today

False confessions are not just a legal problem; they are a social one, too. Public confidence in the criminal justice system depends on the belief that innocent people will be protected while the guilty are held to account. What makes false confessions especially worrying is how they can steer the entire course of an investigation. Once investigators are convinced that a particular

¹⁸ *D.K. Basu v State of West Bengal* (1997) 1 SCC 416 : AIR 1997 SC 610.

¹⁹ Code of Criminal Procedure (Amendment) Act, 2008 (Act 5 of 2009), inserting ss 41A to 41D, 50A and 55A of the Code of Criminal Procedure, 1973 (relevant provisions brought into force on 1 November 2010).

²⁰ *Joginder Kumar v State of U.P.* (1994) 4 SCC 260.

²¹ Juvenile Justice (Care and Protection of Children) Act, 2015, ss 10(1) and 107.

²² Juvenile Justice (Care and Protection of Children) Model Rules, 2016, r 8(3) (the Special Juvenile Police Unit or Child Welfare Police Officer shall not compel the child to confess guilt, and the parent or guardian shall be informed and may be present during any interview of the child).

suspect is guilty, other explanations tend to get less attention. So a single false confession can affect both individual rights and the wider search for the truth. A notable finding of this analysis is that India possesses strong constitutional protections against self-incrimination but comparatively fewer safeguards that directly regulate the interrogation process itself. This distinction is one of the paper's central themes.

6. The Gap Between Law and Practice

If these protections operated perfectly in practice, false confessions would be only a marginal concern in India. My argument is that they do not work perfectly, and for three connected reasons.

6.1 Exclusion is a courtroom remedy, not an interrogation-room safeguard

Making police confessions inadmissible is a rule about evidence; it tells a judge what they must not rely on. By itself, it does nothing to change what actually happens during questioning. The psychological pressures that produce false confessions operate inside the police station, where the exclusion rule has no real presence at all. A suspect who is frightened into a false admission may still be pushed into other damaging statements, may name innocent associates, or may give up a truthful defence. To put it simply, the law takes the confession out of the trial but leaves the coercion sitting in the cell.

6.2 The discovery proviso keeps coercion partly profitable

The one statutory exception clearly shows the problem. Even though a custodial confession is inadmissible, the proviso to Section 23 allows the part of a statement that leads to the “discovery” of a fact to be proved.²³ In practice, this means information obtained in the pressured atmosphere of custody can still find its way into the trial through recoveries. So the exclusion rule does not completely remove the incentive to apply pressure; it just channels it into a narrower, but still meaningful, channel.

6.3 Official evidence points to a coercive reality and weak accountability

India does not keep statistics on false confessions, but the conditions associated with them are

²³ Bharatiya Sakshya Adhiniyam, 2023, s 23, proviso.

evident in official data on custody. Figures from the National Crime Records Bureau, along with information placed before Parliament, continue to report custodial deaths, which raises real concerns about custodial conditions and accountability within the criminal justice system.²⁴ Worries about accountability in cases of custodial violence have also been raised by legal scholars, human-rights organisations, and the Law Commission of India. These numbers are about custodial violence rather than false confessions specifically, but they describe the very same environment in which custody can become coercive. And that is exactly the environment in which legal psychology predicts false confessions will appear.

6.4 The Law Commission has recognised the problem

The Law Commission of India has acknowledged both halves of this picture. In its 273rd Report, it noted that custodial violence has continued, partly because India has signed but not ratified the United Nations Convention against Torture and has no comprehensive anti-torture law, and it recommended dedicated legislation.²⁵ In its 277th Report, prepared on a reference from the Delhi High Court in *Babloo Chauhan v. State (NCT of Delhi)*, the Commission studied wrongful prosecution cases in which innocent people are prosecuted due to investigative or prosecutorial misconduct and recommended a statutory compensation scheme that has yet to be enacted.²⁶ Read together, these two reports show that the State's own expert body treats coercive investigation and unremedied miscarriages of justice as live, unresolved problems.

6.5 Do the 2024 codes close the gap?

The new codes improve things, but they do not transform them. The audio-video provision in Section 183 of the Bharatiya Nagarik Suraksha Sanhita is valuable, yet it applies only to confessions and statements recorded before a Magistrate, not to the ordinary police questioning, where the real pressure is felt.²⁷ The confession rules in the Bharatiya Sakshya Adhiniyam mostly re-enact the older law. So the reforms strengthen the courtroom safeguards without yet

²⁴ National Crime Records Bureau, *Crime in India 2022* (Ministry of Home Affairs, Government of India); and the data on custodial deaths placed before the Lok Sabha by the Minister of State for Home Affairs on 24 March 2026, recording deaths in police custody of roughly 140 to 176 annually over the preceding five years and disciplinary action in only a single case (as reported in 'Custodial Deaths at 170 This Year, Accountability Nearly Absent: Govt Data' *The Wire* (New Delhi, 25 March 2026)).

²⁵ Law Commission of India, *Report No 273: Implementation of the United Nations Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment through Legislation* (2017).

²⁶ Law Commission of India, *Report No 277: Wrongful Prosecution (Miscarriage of Justice): Legal Remedies* (2018); *Babloo Chauhan @ Dabloo v State (NCT of Delhi)* 247 (2018) DLT 31.

²⁷ Bharatiya Nagarik Suraksha Sanhita, 2023, s 183.

building the interrogation-room safeguards that the psychology of false confessions actually calls for. The gap I have described in this section, therefore, survives the 2024 reforms, even if it has been narrowed a little.

6.6 Why Courtroom Safeguards Alone Are Not Enough

Even if a coerced confession is ultimately excluded as evidence, the harm it may have caused may already have occurred. Investigators may become convinced of the suspect's guilt and unconsciously focus on evidence that supports that belief while overlooking alternative explanations. In legal psychology, this phenomenon is often associated with confirmation bias.²⁸ As a result, a false confession can shape the direction of an investigation long before questions of admissibility arise in court.

The distinction between courtroom safeguards and interrogation-room safeguards is therefore significant. Courtroom safeguards operate after a confession has already been obtained, whereas interrogation-room safeguards seek to prevent coercion from occurring in the first place. From the perspective of preventing wrongful convictions, the latter may be more effective because they address the source of the problem rather than its consequences.

This distinction helps explain why false confessions remain a concern despite constitutional and statutory protections. While Indian law is rightly cautious about the use of involuntary confessions as evidence, it places comparatively less emphasis on regulating the psychological pressures that can arise during questioning. As a result, the legal framework may protect suspects from the use of certain confessions at trial without fully protecting them from the conditions that produce those confessions.

7. Comparative Lessons: The United Kingdom

The United Kingdom is a useful comparison because it responded to its own miscarriages of justice by regulating the interrogation itself. Under the Police and Criminal Evidence Act 1984 and its Codes of Practice, interviews are routinely recorded, suspects have a right to legal advice and, most relevant for my argument, a juvenile or mentally vulnerable suspect must be questioned in the presence of an "appropriate adult", whose job is to support the suspect, help

²⁸ Kassir and others (n 1).

them understand the process, and make sure the interview is conducted properly.²⁹ These measures do not eliminate false confessions entirely, but they shift the protection to the place where the danger actually arises. India and the UK differ in their resources and legal culture, so the rules cannot just be copied across. Even so, two features, recorded interviews and an independent support person for vulnerable suspects, fit fairly easily into the Indian framework, and they would add to the existing rules of exclusion rather than replace them.

7.1 International Case Study: The Central Park Five

One of the most widely discussed examples of false confessions is the Central Park Five case in the United States. In 1989, five teenagers were accused of attacking a woman in New York City's Central Park. After long police questioning, all five confessed. Years later, DNA evidence and a separate confession from the real offender proved that the teenagers were innocent, and their convictions were vacated in December 2002.³⁰ The case shows how vulnerable suspects, and juveniles in particular, can confess under pressure even when they have done nothing wrong. Although it occurred outside India, it highlights the importance of safeguards during interrogation and remains an important example in legal psychology research.

7.2 Analysis and Discussion

The greatest strength of the Indian legal framework lies in its firm recognition of the importance of protecting individuals from compelled self-incrimination. The constitutional safeguards, judicial decisions, and statutory provisions all stress the same principle: a confession must be voluntary. The weakness, though, is that many of these protections only kick in after the interrogation has already occurred. A confession may eventually be excluded by a court, but by then the suspect may already have gone through serious psychological stress or become the focus of an investigation that is built on unreliable information. A further observation is that the law concentrates heavily on the admissibility of evidence, whereas psychology focuses on the process through which information is obtained. The two are connected, but they are not the same. Preventing pressure during questioning may be far more effective than excluding evidence afterwards. Juveniles deserve particular attention because they are generally more

²⁹ Police and Criminal Evidence Act 1984 (UK); PACE Code of Practice C (2023), para 11.15 (a juvenile or vulnerable person must not be interviewed in the absence of the appropriate adult, save in the limited circumstances in paras 11.1 and 11.18 to 11.20) and para 1.7 (role of the appropriate adult).

³⁰ Sarah Burns, *The Central Park Five: A Chronicle of a City Wilding* (Alfred A Knopf 2011).

vulnerable to fear, confusion, and the pressure of authority. Safeguards that are good enough for adults may not be sufficient for children. Taken as a whole, my research suggests that India has strong legal principles but needs stronger practical safeguards during interrogations. Stopping false confessions at the source should matter just as much as excluding them from evidence later on. One notable aspect of the literature is that the psychological causes of false confessions have been studied extensively for decades, and yet many legal systems still focus more on the confession itself than on the circumstances in which it was obtained.

7.3 Objections and Responses

Some people might argue that the reforms I propose would be difficult to implement. Compulsory audio-video recording of interrogations could create financial and technological problems, especially in rural or under-resourced police stations. Others might say that giving suspects access to a lawyer during questioning could slow investigations and make it harder for police to obtain information quickly. It could also be argued that the discovery proviso under the Bharatiya Sakshya Adhiniyam serves a genuinely useful investigative purpose by allowing evidence to be recovered from information an accused person provides, and so should not be cut back too far. These concerns are fair, and they should not be brushed aside. But the point of the safeguards I am suggesting is not to weaken criminal investigations; it is to make them more reliable and fairer. The cost of recording interrogations is likely to be outweighed by the benefits: greater transparency and fewer disputes about police conduct. In the same way, access to a lawyer helps ensure that any information obtained during questioning is voluntary and trustworthy. The discovery proviso need not be abolished either; instead, stronger safeguards can be built in to ensure that any information leading to a discovery is obtained without coercion. On balance, protecting vulnerable suspects from false confessions actually strengthens the criminal justice system, as it helps prevent wrongful convictions and improves public confidence in the police.

8. Recommendations

In keeping with the argument that India needs interrogation-room safeguards, I propose the following reforms.

- 1. Compulsory audio-video recording of questioning.** The recording required by Section 183 should be extended and made mandatory for questioning juveniles and vulnerable

suspects, so that there is an objective record of how the questioning was carried out, not just of the final confession made before a Magistrate.

2. Guaranteed access to counsel from the start. The right to a lawyer, recognised in *Nandini Satpathy* and Article 22(1), should be made real through timely access to a lawyer before and during questioning, and through properly funded legal aid for those who cannot afford a lawyer of their own.³¹

3. An “appropriate adult” for vulnerable suspects. Borrowing from the UK model, the presence of a parent, guardian, or trained support person should be required whenever a juvenile or a person who appears psychologically vulnerable is questioned.

4. Early mental-health and vulnerability screening. Where there are signs of intellectual disability or mental illness, a trained professional should assess the person before any further questioning, so that the right additional safeguards can be applied.

5. Police training in legal psychology and ethical interviewing. Officers should be trained in how memory, suggestibility, and pressure affect suspects, and in interviewing methods that aim at accurate information rather than at a confession at any cost.

6. Accountability and a statutory remedy. Implementing the Law Commission’s recommendations, a dedicated anti-torture law and a compensation scheme for wrongful prosecution would give the existing safeguards real teeth and reduce the impunity revealed by official data.³²

9. Conclusion

This research started with a simple question: Can an innocent person confess to a crime they never committed? Before I began, I assumed that this would be extremely rare. But the psychological evidence I examined shows that false confessions really can happen when people are gripped by fear, stress, exhaustion, or pressure from authority figures. The research also shows that juveniles and vulnerable persons are at particular risk. India’s constitutional and statutory safeguards do provide important protections, but many of them only become effective after the interrogation is already over. What my findings suggest is that the real challenge is

³¹ *Nandini Satpathy v P.L. Dani* (n 9); Constitution of India, art 22(1).

³² Law Commission of India, Report No 273 (n 25); Law Commission of India, Report No 277 (n 26).

not whether the legal rights exist, but whether they are put into practice. Constitutional protections remain essential, yet on their own, they cannot deal with the psychological pressures that build up during interrogation. More weight, therefore, needs to be placed on preventing coercion before it happens. The answer is not to weaken the investigation, but to extend protection into the interrogation room, where the harm actually begins. Recorded questioning, real access to a lawyer, and an appropriate adult for vulnerable suspects would make confessions more reliable and investigations more credible. Understood properly, protecting the innocent and gathering trustworthy evidence are not competing goals; they point in exactly the same direction.

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