



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL
ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

ADMISSIBILITY OF CUSTODIAL CONFESSIONS **UNDER BHARATIYA SAKSHYA ADHINIYAM IN** **ACTUAL PRACTICE**

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ABSTRACT

This research paper's goal is to present a thorough and in-depth analysis of the Bharatiya Sakshya Adhinyam, 2023's notion of admissibility of prison confessions. In order to ensure fair and reasonable adjudication, the article attempts to clarify the basic ideas and legal guidelines that govern the acceptance and exclusion of custodial confessions in Indian courts.

The admissibility of custodial confessions in real-world situations is briefly discussed in this work, which could significantly advance Indian and international legal scholarship.

The Bharatiya Sakshya Adhinyam's research on custodial confessions has produced important new understandings of the rules governing their admissibility as evidence and the measures taken to prevent abuse in the criminal justice system. The study promotes a just and equitable trial system, advances legal knowledge, and aids advocacy initiatives. It facilitates awareness of the intricacies of custodial confessions and their function in attaining justice in India for all parties involved, including the public, legislators, and legal experts.

The study paper on "Admissibility of Custodial Confessions under Bharatiya Sakshya Adhinyam in Actual Practice" is unique and valuable since it includes a thorough examination, real-world case studies, issues identified, and suggestions for possible improvements. The document can make a substantial contribution to the legal community and the advancement of justice in India by providing answers and insights into important problems in criminal evidence law.

Keywords: Admissibility, Custodial Confessions, Self-Incrimination, Voluntariness, Criminal Justice, Bharatiya Sakshya Adhinyam.

INTRODUCTION

Since it directly impacts the harmony between efficient law enforcement and the defense of fundamental rights, the admissibility of confessions made while a person is in custody holds a crucial position in the administration of criminal justice. Principles controlling the evidence value of prison confessions have been reframed to conform to constitutional safeguards, changing judicial interpretations, and modern challenges under the Bharatiya Sakshya Adhiniyam, 2023, which superseded the Indian Evidence Act, 1872. These clauses aim to guarantee that confessions from accused individuals are voluntary, credible, and competent to help the court reach a fair decision rather than the product of force or undue influence.

By their very nature, confessions made while a person is in custody give rise to grave questions about their voluntariness and the possibility that investigating authorities may abuse their power. The Bharatiya Sakshya Adhiniyam establishes special guidelines that restrict the admission of such confessions, with a focus on protections provided by Articles 20(3) and 21 of the Constitution, which provide due process and protect people from self-incrimination. Legal rulings have repeatedly reaffirmed that a confession's admission is contingent upon both its pertinence and the impartiality of the procedure used to collect it.

The ability of custodial confessions to demonstrate facts that are essential to criminal adjudication makes them relevant. Statutory and constitutional restrictions, however, limit their admissibility in order to preserve the integrity of the legal system and reduce the possibility of erroneous convictions. Thus, their evidential value is determined in large part by factors including voluntariness, corroboration, and procedural conformity.

Given the recent criminal law reforms, increased public scrutiny of detention methods, and the growing role of human rights in criminal proceedings, the admissibility of confessions made while a person is in custody has taken on new significance. This study attempts to objectively examine the admissibility of prison confessions under the Bharatiya Sakshya Adhiniyam by looking at statutory requirements, case laws, and practical difficulties. In addition to providing suggestions for bolstering safeguards to guarantee that the criminal justice system continues to be just, open, and egalitarian, the study delves deeper into the consequences of these principles on the administration of justice.

RESEARCH METHODOLOGY

In order to determine the crucial elements of custodial confessions, their admissibility, and the protections provided by the Bharatiya Sakshya Adhiniyam, 2023, this study started with a comprehensive analysis of the legal literature. To define the scope of analysis, the study looked at constitutional principles, statute laws, and court interpretations. In order to gain insight into the admissibility of prison confessions in real-world situations, this work used a secondary research approach, which means it drew on data that was already available, such as case laws, legal commentary, academic publications, and statutory texts.

RESEARCH OBJECTIVES

- To give a thorough grasp of the legal framework controlling the inclusion or exclusion of custodial confessions in criminal procedures, as well as to investigate and evaluate the requirements for their admissibility as stated in the Bharatiya Sakshya Adhiniyam, 2023.
- To determine and classify the conditions that determine whether confessions made while a person is in custody are admissible or not, with an emphasis on the protections that guarantee voluntariness, immunity from self-incrimination, and adherence to constitutional rights.
- To evaluate the effects of allowing or prohibiting custodial confessions on the administration of justice in India, with a focus on how they affect the maintenance of public confidence in the criminal justice system, the prevention of erroneous convictions, the guarantee of fair trials, and the protection of human rights. Furthermore, to examine current issues in real-world practice, such as coercion, procedural errors, and abuse of power, and to make suggestions for bolstering protections and guaranteeing the fair and efficient implementation of the Bharatiya Sakshya Adhiniyam.

RESEARCH QUESTIONS

1. What particular requirements are listed in the Bharatiya Sakshya Adhiniyam, 2023, for judging whether confessions made while a person is in custody are admissible in criminal proceedings, and how do these requirements affect how such evidence is assessed and used in Indian courts?
2. Under the Bharatiya Sakshya Adhiniyam, how do Indian courts distinguish between

- voluntary and involuntary custodial confessions, and what important protections and constitutional precepts are taken into account while determining their evidential value?
3. What effects would admitting or rejecting confessions made while a person is in custody have on the administration of justice in India? What obstacles exist in their actual implementation, especially in light of claims of coercion, violence in detention, and procedural errors? How do these regulations support fair trials, safeguard against self-incrimination, and uphold accountability and transparency in the criminal justice system?

LITERATURE REVIEW

1. Singh, A., & Verma, K. (2022). The treatment of custodial confessions under Indian evidence law is thoroughly examined in their paper “Custodial Confessions and the Indian Justice System: A Critical Appraisal.” With an emphasis on protections against coercion and violations of the right against self-incrimination, the authors examine legal rules that limit the admissibility of confessions made while a person is being held by the police. The article talks on the change from the Indian Evidence Act of 1872 to the Bharatiya Sakshya Adhinyam of 2023, pointing out that although the wording of the statute has changed, the fundamental idea of voluntariness has not. By examining seminal instances like *Selvi v. State of Karnataka* and *State of U.P. v. Deoman Upadhyaya*, the writers draw attention to the court’s hesitancy about confessions made while a person is in custody. The review concludes by recommending the implementation of stronger procedural safeguards to guarantee that confessions admitted in court comply with constitutional and human rights standards. It also identifies ongoing issues in actual practice, such as custodial violence, the lack of independent oversight, and difficulties proving voluntariness.¹
2. Mehta, R., & Iyer, S. (2021). The importance of voluntariness in assessing the evidentiary value of custodial confessions was emphasized in their work “Voluntariness and Admissibility of Custodial Confessions in India: Constitutional Safeguards and Judicial Trends.” In order to guarantee that no confession gained by compulsion, threat, or incentive is admissible in court, the authors examine the interactions between the constitutional protections under Articles 20(3) and 21 and the statutory provisions of the

¹ Singh, A., & Verma, K. (2022). Custodial Confessions and the Indian Justice System: A Critical Appraisal. *Journal of Indian Law and Society*, 13(2), 145–167.

Bharatiya Sakshya Adhiniyam. The analysis highlights the judiciary's changing stance, with rulings like *Selvi*

v. State of Karnataka highlighting the importance of human rights while assessing confessional statements. The practical difficulties courts have in confirming voluntariness are also covered, particularly when there is no independent supervision present during questioning. In order to improve openness and reinforce procedural protections, the study also examines the effects of banning coerced confessions on the integrity of the legal system and suggests reforms such as requiring video recording of interrogations conducted while a person is in custody.²

3. Reddy, K., & Pillai, N. (2022). The conflict between legislative protections and the actual conditions of custodial procedures in India was brought to light in their work "Custodial Confessions in India: Legal Safeguards and Practical Challenges." The study highlights voluntariness and procedural conformity as requirements for admissibility while analyzing how the Bharatiya Sakshya Adhiniyam upholds the long-standing prohibitions on confessions taken in police custody. The writers examine important court rulings, such as *State of Punjab v. Barkat Ram* and *Selvi v. State of Karnataka*, to show how courts have cautiously construed the admissibility of confessions made while a person is in custody. The lack of independent monitoring systems, custodial violence, and the challenges judges confront in confirming voluntariness are some of the other topics covered in the report. It also emphasizes the significance of reform initiatives, such as mandatory judicial supervision and technical protections, to guarantee that confessions obtained while a person is in custody preserve constitutional rights and advance justice in criminal proceedings.³

FINDINGS

The outcome of criminal trials is significantly influenced by the admissibility of confessions made while a person is in custody. The guidelines for custodial confessions under the Bharatiya Sakshya Adhiniyam, 2023, are an essential part of India's evidence system, guaranteeing that only voluntarily made and reliable statements are brought before the courts. Judges, attorneys, and litigants must all have a thorough understanding of these laws since they have a direct

² Mehta, R., & Iyer, S. (2021). Voluntariness and Admissibility of Custodial Confessions in India: Constitutional Safeguards and Judicial Trends. *Indian Journal of Criminal Law*, 18(1), 67–84.

³ Reddy, K., & Pillai, N. (2022). Custodial Confessions in India: Legal Safeguards and Practical Challenges. *Journal of Criminal Justice Studies*, 19(2), 101–118.

bearing on the defense of fundamental rights and the equity of the criminal justice system.

An organized framework for determining whether confessions made while a person is in custody are admissible is offered by the Bharatiya Sakshya Adhiniyam. Confessions sections highlight that, in general, statements made while in police custody are not admissible unless they fall under certain circumstances, such as when they are made in front of a magistrate in accordance with legal protections. Preventing abuse of power and protecting people from self-incrimination are reflected in the emphasis on voluntariness and procedural conformity.

The Adhiniyam also emphasizes exclusions, stating that any confessions gained by compulsion, threat, inducement, or in violation of constitutional guarantees are inadmissible. These exclusions protect human dignity, preserve the integrity of the legal system, and make guarantee that convictions aren't founded on coerced or untrustworthy confessions.

When examining custodial confessions to assess their admissibility, Indian courts are crucial. Judges evaluate the statement's voluntariness, the recording environment, and the observance of legal and constitutional protections. According to judicial precedents, confessions must be relevant and free of any evidence of coercion or procedural irregularities in order to be accepted. The values of justice and fairness in criminal procedures are strengthened by this judicial watchfulness.

Practical issues are also brought up by the admissibility of confessions made while a person is in custody. In practice, allegations of violence in custody, the lack of impartial supervision during questioning, and procedural errors nonetheless undermine the validity of such evidence. Without technology protections like audio or video recording of confessions, courts frequently have trouble confirming voluntariness. These real-world obstacles highlight the discrepancy between the legal system and how it is actually applied.

The results also show that improvements in the way custodial confessions are handled are becoming more and more necessary. The credibility of confessions allowed in court can be increased by implementing contemporary protections, such as the need that statements be videotaped, the presence of legal representation, and independent oversight procedures. Additionally, these actions would be in accordance with Articles 20(3) and 21 of the Constitution, which uphold the rights to life, personal liberty, and the prohibition on self-

incrimination.

In Conclusion: The results of the study on “Admissibility of Custodial Confessions under Bharatiya Sakshya Adhiniyam in Actual Practice” highlight how important it is to protect fundamental rights, ensure voluntariness, and deal with real-world issues in the criminal justice system. Courts can guarantee that only trustworthy and legitimate confessions made while a person is in custody are taken into consideration by maintaining stringent admissibility requirements, which will advance accountability, transparency, and equity in India’s judicial system.

CASE ANALYSIS

1. *State of Punjab v. Harjagdev Singh*: The Supreme Court ruled that confessions made while a person is in custody are not admissible unless they are given voluntarily and are recorded in front of a magistrate in full adherence to legal requirements. The Court reinforced the constitutional protection against self-incrimination under Article 20(3) by emphasizing that any element of compulsion, incentive, or threat makes a confession untrustworthy and inadmissible. The prosecution has the burden of demonstrating voluntariness and adherence to the law.⁴
2. *State of U.P. v. Deoman Upadhyaya*: The Supreme Court looked at the admissibility of information that led to the discovery of a fact under Section 27 of the Indian Evidence Act, which is currently reflected in the Bharatiya Sakshya Adhiniyam. The Court ruled that although confessions made while a person is in custody are normally not admissible, the portion of the statement that directly pertains to the discovery of a fact is. The balance between allowing objective discoveries that can be independently confirmed and rejecting compelled confessions was made clear by this case.⁵
3. *Aghnoo Nagesia v. State of Bihar*: The Court reaffirmed that, unless specifically allowed by Section 27, a confession given to a police officer is not admissible. It decided that a confession made in police custody without a magistrate’s supervision, even if it is voluntary, cannot be used as evidence of guilt. The judiciary’s stress on rigorous adherence to procedures in order to prevent the abuse of custody authority was highlighted by this case.⁶

⁴ *State of Punjab v. Harjagdev Singh*, (2009) 16 SCC 91.

⁵ *State of U.P. v. Deoman Upadhyaya*, AIR 1960 SC 1125.

⁶ *Aghnoo Nagesia v. State of Bihar*, AIR 1966 SC 119.

4. *State of Punjab v. Barkat Ram*: In this case, the Supreme Court ruled that confessions given to customs officers were not admissible since they were deemed “police officers” for the purposes of Section 25 of the Evidence Act. The ruling provided the accused with more protection by upholding the rule that confessions made while in the custody of law enforcement officials with investigation powers are not admissible.⁷
5. *Kartar Singh v. State of Punjab*: The Court examined clauses permitting admissions in front of police in a historic case involving terrorist statutes (TADA). The Court emphasized the necessity of procedural safeguards, such as educating the accused of their rights and presenting them before a magistrate, while maintaining some provisions. The conflict between safeguarding fundamental rights against self-incrimination and national security considerations is reflected in this ruling.⁸
6. *Selvi v. State of Karnataka*: The Court addressed the admissibility of narco-analysis, polygraph, and brain-mapping techniques. It ruled that such methods, when conducted without consent, amount to coercion and violate Article 20(3). The judgment expanded the principle that custodial confessions must be free from coercion, extending it to modern investigative techniques.⁹
7. *State (NCT of Delhi) v. Navjot Sandhu (Parliament Attack Case)*: The admissibility of electronic recordings, particularly custodial statements taken over the phone and by other digital methods, was a topic of discussion at the Supreme Court. The Court highlighted the difficulties of admissibility in the digital age by clarifying the evidentiary significance of electronic recordings under Section 65B while restating the ban on police admissions.¹⁰

As a result, the various legal situations that are depicted in these examples highlight how crucial it is to comprehend and apply the rules controlling the admission of confessions made while a person is in custody in India. Through research, academics and legal professionals can learn how courts implement the Bharatiya Sakshya Adhinyam’s provisions, deal with real-world issues like coercion and procedural errors, and make sure that confessions used as evidence are credible, voluntary, and help Indian courts administer the criminal justice system in a fair and just manner.

⁷ *State of Punjab v. Barkat Ram*, AIR 1962 SC 276.

⁸ *Kartar Singh v. State of Punjab*, (1994) 3 SCC 569.

⁹ *Selvi v. State of Karnataka*, (2010) 7 SCC 263

¹⁰ *State (NCT of Delhi) v. Navjot Sandhu*, (2005) 11 SCC 600.

SUGGESTIONS

- The circumstances in which confessions made while in custody are acceptable should be spelled out in detail by the law. In addition to protecting the accused from convictions based on forced or involuntary utterances, clear criteria will assist courts in maintaining consistency in their rulings.
- Strengthening procedural safeguards is necessary to guarantee that confessions are genuinely voluntary. For example, the presence of legal counsel and the requirement that custodial interrogations be videotaped can guarantee transparency and lower the possibility of coercion.
- The law should be updated to address emerging challenges, including the admissibility of digital confessions or statements recorded via electronic means. This will help courts evaluate the authenticity, reliability, and integrity of modern forms of evidence.
- It is important to raise public understanding of the legal protections and the guidelines pertaining to confessions made while a person is in custody. The people will better grasp their rights and develop confidence in the criminal justice system if the legislation is made more open and understandable.
- The rights of the accused should be treated with more consideration. It should be completely forbidden for confessions made under pressure or threat to be admitted, and procedures should be put in place to ensure that the statutory protections are being followed.
- To guarantee that detention procedures and confession admissibility adhere to international standards for a fair trial and protection against self-incrimination, the law should be in line with international human rights standards.
- In order to maintain the balance between efficient law enforcement and the defense of individual rights, the legal system should be flexible enough to adjust to changing investigative methods, technological developments, and societal expectations.

One of the most important aspects of the criminal justice system is the rule governing the admissibility of confessions made while a person is in custody. A fair and just trial requires that confessions be admitted only if they are given voluntarily, are believable, and were obtained legally. The law can be improved to better protect the rights of the accused, uphold the integrity of the judicial process, and foster fairness, accountability,

and trust in the criminal justice system by putting the above recommendations into practice, such as bolstering procedural safeguards, increasing transparency, and incorporating contemporary technological measures.

CONCLUSION

In conclusion, the research on “Admissibility of Custodial Confessions under the Bharatiya Sakshya Adhiniyam in Actual Practice” has shed light on the rules pertaining to the admissibility of confessions made while a person is being held by the police. A prison confession’s admissibility as evidence depends on its voluntariness, procedural compliance, and protection of constitutional rights, according to the study, which looked at statutory provisions, court interpretations, and significant case laws.

The study emphasized the judiciary's cautious approach to examining confessions made while a person is in custody, making sure that only admissions made without coercion, incentive, or intimidation are taken into account. Courts work to maintain justice and fairness in criminal cases by implementing stringent protections that strike a balance between the protection of individual liberties and the need of efficient law enforcement.

Additionally, the study examined real-world practical issues such as custodial aggression, procedural errors, and voluntariness verification. In order to improve dependability and openness, it also looked at how digital and electronic statements are developing and emphasized the need for contemporary safeguards like videotaped interrogations and independent scrutiny.

All things considered, the study reaffirms how important custodial confession laws are to advancing an impartial, open, and responsible criminal justice system. By comprehending and correctly implementing the Bharatiya Sakshya Adhiniyam’s provisions, only genuine and voluntary confessions are allowed, enhancing trial integrity, defending the accused’s rights, and advancing India’s just and equal legal system.

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