INTRODUCTION:

General Concept of Confession :- The term confession is not defined anywhere in Indian Evidence Act, But it can be termed as an admission of the guilt in criminal trial is a confession. The same has been rightly stated by Criminal digest that that a confession is an admission made at anytime by a person charged with a crime, stating or suggesting the inference that he committed the crime. However, Privy Council, in case of Pakala Narayan Swami vs Emperor AIR 1939, did not accept this definition. In this case Lord ATKIN observed that no statement that contains self exculpatory matter can amount to a confession.

Confession evidence is powerful but flawed, often in non-intuitive ways. Contradicting widely held beliefs, research reviewed in this article suggests the following: Despite special training in how to conduct interviews, police cannot distinguish better than the layperson whether suspects are lying or telling the truth. Suspects in custody routinely waive their self-protective rights to silence and to counsel—especially if they are innocent. Certain legal but deceptive interrogation tactics increase the risk that innocents will confess to crimes they did not commit. Judges and juries are easily fooled, unable to distinguish between true and false confessions. Appellate courts cannot be expected to reasonably determine whether the error of admitting a coerced confession at trial was harmless or prejudicial.

TYPES OF FALSE CONFESSIONS:

Although it is not possible to calculate a precise incidence rate, it is clear that false confessions occur in different ways and for different reasons. Drawing on the pages of legal history, and borrowing from social-psychological theories of influence, that distinguished among three types of false confession: voluntary, coerced-compliant, and coerced-internalized.

This classification scheme has provided a useful framework for the study of false confessions and has since been used, critiqued, extended.
**VOLUNTARY FALSE CONFESSION:**

There are a host of reasons why people have volunteered false confessions—such as a pathological desire for notoriety, especially in high-profile cases reported in the news media; a conscious or unconscious need for self-punishment to expiate feelings of guilt over prior transgressions; an inability to distinguish fact from fantasy due to a breakdown in reality monitoring, a common feature of major mental illness; and a desire to protect the actual perpetrator—the most prevalent reason for false admissions described one case in which an innocent man confessed to a murder to impress his girlfriend.

It was described another case Gudjonsson (2003) in which a man confessed to murder because he was angry at police for a prior arrest and wanted to mislead them in an act of revenge.

**COMPLIANT FALSE CONFESSIONS:**

In contrast to voluntary false confessions, compliant false confessions are those in which suspects are induced through interrogation to confess to a crime they did not commit. In these cases, the suspect acquiesces to the demand for a confession to escape a stressful situation, avoid punishment, or gain a promised or implied reward.

**PRESENTATIONS OF FALSE EVIDENCE:**

Once suspects are isolated, interrogators, armed with a strong presumption of guilt, seek to communicate that resistance is futile. This begins the confrontation process, during which interrogators exploit the psychology of inevitability to drive suspects into a state of despair. Basic research shows that once people see an outcome as inevitable, cognitive and motivational forces conspire to promote their acceptance, compliance with, and even approval of the outcome.

In the case of interrogation, this process also involves interrupting the suspect’s denials, overcoming objections, and refuting alibis. At times, police will
overcome a suspect’s denials by presenting supposedly incontrovertible evidence of his or her guilt (e.g., a fingerprint, blood or hair sample, eyewitness identification, or failed polygraph)—even if that evidence does not exist.

**INTERNALIZED FALSE CONFESSIONS:**

In the third type of false confession, innocent but malleable suspects, told that there is incontrovertible evidence of their involvement, come not only to capitulate in their behavior but also to believe that they may have committed the crime in question, sometimes confabulating false memories in the process. Yet numerous false confession cases have featured the use and apparent influence of the false evidence ploy.

**FORMS AND CLASSIFICATION OF CONFESSION:**

A confession may occur in many forms. When it is made to the court itself then it will be called judicial confession and when it is made to anybody outside the court, in that case it will be called extra-judicial confession. It may even consist of conversation to oneself which may be produce evidence if overheard by another.

**JUDICIAL CONFESSION**-

Are those which are made before a magistrate or in court in the due course of legal proceedings. A judicial confession has been defined to mean “plea of guilty on arrangement (made before a court) if made freely by a person in a fit state of mind.

**EXTRA-JUDICIAL CONFESSIONS**-

Are those which are made by the accused elsewhere than before a magistrate or in court. It is not necessary that the statements should have been addressed to any definite individual. It may have taken place in the form of a prayer. It may be a confession to a private person. An extra-judicial confession has been defined to mean “a free and voluntary confession of guilt by a person accused of a crime in the course
of conversation with persons other than judge or magistrate seized of the charge against himself.

**METHODS USED FOR RECORDING CONFESSIONS**

Interrogators are thus trained to suggest to suspects that their actions were spontaneous, accidental, provoked, peer-pressured, drug-induced, or otherwise justifiable by external factors. Taken together, basic research showing that people are highly influenced by perceived reinforcements and that people process the pragmatic implications of a communication suggests the possibility that suspects infer leniency in treatment from minimizing remarks that depict the crime as spontaneous, accidental, pressured by others, or otherwise excusable even in the absence of an explicit promise.

The experimenter tried to get the subject to sign an admission by overtly promising leniency (a deal in which research credit would be given in exchange for a return session without penalty), making minimizing remarks (‘‘I’m sure you didn’t realize what a big deal it was’’), using both tactics, or using no tactics. Overall, the confession rate was higher among guilty subjects than innocent, when leniency was promised than when it was not, and when minimization was used than when it was not.

However, there is recent evidence to suggest that depressed mood is linked to a susceptibility to provide false confession to police.

**THE CONSEQUENCES OF CONFESSION:**

It is inevitable that some number of innocent people will be targeted for suspicion and subjected to excessively persuasive interrogation tactics, and many of them will naively and in opposition to their own self-interest waive their rights and confess. One might argue that this unfortunate chain of events is tolerable, not tragic, to the extent that the resulting false confessions are detected by authorities at some point and corrected. Essential to this presumed safety net is the belief that police, prosecutors, judges, and juries are capable of distinguishing true and false confessions.
These three sources are:

(1) The aggregation of actual false confession cases, many of which involved use of the false evidence created and implanted;

(2) One hundred-plus years of basic psychology research, which proves without equivocation that misinformation can substantially alter people’s visual perceptions, beliefs, motivations, emotions, attitudes, memories, self-assessments, and even certain physiological outcomes, as seen in studies of the placebo effect.

(3) Numerous experiments, from different laboratories, demonstrating that presentations of false evidence increase the rate at which innocent research participants agree to confess to prohibited acts they did not commit. As noted earlier, scientific evidence for the malleability of people’s perceptions, decisions, and behavior when confronted with misinformation is broad and pervasive.

Evidentiary value of confession:

Value of judicial confession- a case where there is no proof of corpus delicti must be distinguished from another where that is proved. In the absence of the corpus delicti a confession alone may not suffice to justify conviction.

Hence before the confession of one accused may be taken into consideration against others, it has to be shown that:

1) The person confessing and the others are being tried jointly.
2) They are being tried for the same offence.
3) The confession is affecting the confessioner and the others.

However in the case Nishi Kant Jha v State of Bihar the Supreme Court pointed out that there was nothing wrong or relying on a part of the confessional statement and rejecting the rest, and for this purpose, the Court drew support from English
authorities. When there is enough evidence to reject the exculpatory part of the accused person’s statements, the Court may rely on the inculpatory part.

**Relevancy of Confessions —**

**Confessions when Not Relevant :**

A confession becomes irrelevant and thus, inadmissible, in situations described in the Sections 24, 25, and 26 of Indian Evidence Act 1972.

1. **Section 24** - Confession caused by inducement, threat, or promise from A person in authority –

2. **Section 25** - Confession to police-officer not to be proved

3. **Section 26** - Confession by accused while in custody of police not to be admissible unless it is made in immediate presence of magistrate.