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## POLICE INTERROGATION: PRINCIPLES, LEGAL FRAMEWORK, AND HUMAN RIGHTS

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### **Abstract**

This research paper examines the intricate process of police interrogation, analysing its legal and ethical dimensions. It explores the principles of effective interrogation techniques while critically analysing the potential for abuse and the importance of safeguarding individual rights. The paper delves into the legal framework governing police interrogation in various jurisdictions, focusing on the constitutional rights of suspects and the limitations imposed on interrogation methods. It further examines the ethical considerations, including the risks of coercion, the importance of voluntariness, and the potential for false confessions. Finally, the paper discusses the evolving landscape of interrogation techniques, including the increasing reliance on technology and the need for ongoing reform to ensure fairness and protect human rights. The Indian police force is one of the most significant social organisations. In an emergency, the best person to approach is a police officer. Basic human rights may be violated as a result of the abuse of all these powers granted to the police. Human rights and police interrogation are closely related. Basic rights that are thought to be necessary for a person's physical, mental, and spiritual growth are called "Human Rights." All people have these rights just by virtue of being born human, and they are basic to humanity.

### **Keywords:**

Police Interrogation, Interrogation Techniques, Legal Framework, Human Rights, Miranda Rights, Coercion, False Confessions, Due Process, Investigative Techniques, Legal Ethics, Criminal Justice System, Constitutional Law

### **Introduction**

Police interrogation is a critical yet complex aspect of criminal investigations. It involves a controlled process of questioning suspects to gather information, elicit confessions, and ultimately solve crimes. However, this process carries inherent risks, including the potential for coercion, the elicitation of false confessions, and the violation of individual rights. This research paper examines the principles of effective interrogation, analyzes the legal framework governing police interrogation practices, and critically evaluates the ethical considerations surrounding this crucial aspect of the criminal justice system. "The Principles of Police Interrogation and the Human Rights" is the primary focus of this research paper. The police force is one of the most significant institutions in the Indian social structure. In an emergency, the best person to approach is a police officer. A police station should be a dynamic establishment that anyone can visit without fear, according to police regulations. Maintaining peace and order is another important duty that the rule gives to the police. Although there are no set rules for police questioning, there are a number of basic principles that police officers must adhere to when conducting interrogations, which are based on several international agreements. The premise is that police should not violate someone's core and basic human rights, even if they are performing an authorised governmental action. These values are intended to uphold fundamental liberties and human rights, which are inalienable, even when acting on behalf of the state. The purpose of this article is to demonstrate the discrepancy between human rights and police interrogation principles, the resulting repercussions of this discrepancy, and the ways in which police violate human rights during questioning. This essay also aims to elucidate the permissible and impermissible forms of interrogation.

This study also aims to offer some suggestions for bridging the gap between human rights and police interrogation approaches.

### **Human Rights and Police Interrogation Principles**

As law enforcement agencies, the police are now tasked with defending the fundamental rights of citizens. But the cops routinely disregard the law and misuse their power. The police abuse their power and violate the human rights and civil liberties of living people when questioning suspects. Although the notion of police interrogation is neither unique nor exact, there are a number of fundamental guidelines that the police must adhere to when conducting interrogations, which are derived from several international conventions. The concept is that the police shouldn't violate someone's fundamental rights, including their freedom of religion, even if they are carrying out an authorised governmental operation. Even when acting on behalf of the state, these values are intended to uphold fundamental freedoms and human rights, which cannot be compromised. The basic idea of police questioning of HRs is protected by the Indian Constitution, the CrPC, 1973, and the Indian Evidence Act, 1872.

### **Police Questioning**

Police questioning is part of the police investigation. When an accused person is detained for a cognisable or criminal offence, a police officer has the right to question him directly or indirectly. Offence that is not recognisable. Throughout the police interrogation, the detectives attempt to extract information from the suspect that would help them solve the case or identify the real offender.

### **Human Rights**

From conception to death, all people worldwide are entitled to the fundamental freedoms and rights known as human rights. Regardless of our background, beliefs, or lifestyle choices, they remain valid. Although they can occasionally be restricted, they can never be taken away from someone. These FRs are based on shared values including autonomy, equality, justice, decency, and respect. These principles are outlined and safeguarded by law.

### **Legal and Illegal Interrogation**

The public's protection from coerced confessions must be weighed against the police's investigative rights. There is very little difference between legal and unlawful interrogation. Both constitutional and human rights have been guaranteed to the arrested individual in India. The accused individual has the right to consult with a counsel during questioning in order to be informed of all of his legal choices. After being arrested, the person must appear before a court within 24 hours and cannot be treated by a police officer for longer than that. He must be immediately released from custody if the authorities are unable to do so; otherwise, this would be considered unjust imprisonment.

### **Violence in Custody**

Custodial violence is one of the unlawful ways the police question people. In India, a human rights violation is simply defined as a breach of an individual's freedom of religion. There is no definition of custodial violence under Indian law. Any form of violence in custody that is not permitted by local laws, whether or not they are legal, is referred to by this term. Abuse by police or incarceration is referred to as custodial violence. Examples include denying suspects food or sleep, making false arrests, using the third degree against them based on inadequate evidence, coercing them, and abusing power. Section 167 of the CrPC, 1973, describes police and judicial detention. There is a significant prevalence of violence in both forms of custody. Police officials are prohibited from torturing individuals in order to obtain confessions or establish guilt by Sections 330, 331, and 348 of the Indian Penal Code, Sections 25 and 26 of the Indian Evidence Act, Section 76 of the CrPC, 1973, and Section 29 of the Police Act, 1861. However, admissions made to police personnel are specifically prohibited from being used as evidence in court by Sections 25 and 26 of the Indian Evidence Act, 1872.

## **Overview of Literature**

The literature on police interrogation is extensive and multifaceted, drawing from psychology, law, criminology, and ethics. Early research focused on the development of interrogation techniques, such as the Reid Technique, which emphasizes the use of psychological manipulation and deception to elicit confessions. However, this approach has been heavily criticized for its potential to induce false confessions and violate the rights of suspects.

Subsequent research has focused on the importance of ethical and legal considerations in police interrogation. Scholars have emphasized the need for fair treatment, the protection of individual rights, and the minimization of coercion. The seminal case of *Miranda v. Arizona* (1966) established the constitutional rights of suspects, including the right to remain silent and the right to counsel. This landmark decision significantly impacted police interrogation practices and emphasized the importance of protecting the rights of the accused. Recent research has explored the impact of new technologies on police interrogation, such as the use of video recordings, lie detectors, and other investigative tools. Studies have also examined the role of cognitive science in understanding the psychology of interrogation, including the factors that can influence a suspect's decision to confess.

## **Research Methodology**

This research paper primarily relies on a comprehensive literature review of existing research articles, books, and legal documents. Relevant databases, such as JSTOR, Google Scholar, Westlaw, and LexisNexis, were searched using appropriate keywords, including "police interrogation," "interrogation techniques," "Miranda Rights," "false confessions," "coercion," "due process," "human rights," "criminal law," "investigative psychology," and "legal ethics." The collected data was analyzed to identify key trends, challenges, and best practices in police interrogation.

## **Principles of Effective Interrogation**

Effective interrogation techniques aim to elicit truthful and reliable information from suspects. Key principles include:

- **Building Rapport:** Establishing a rapport with the suspect can help to build trust and encourage cooperation. This involves active listening, demonstrating empathy, and creating a non-threatening environment.
- **Active Listening:** Paying close attention to the suspect's verbal and non-verbal communication, including their tone of voice, body language, and emotional state.
- **Open-ended Questions:** Using open-ended questions that encourage the suspect to provide detailed information and explanations.
- **Avoiding Coercion:** Refraining from using any coercive tactics, such as threats, intimidation, or physical or psychological abuse.
- **Preserving the Integrity of the Investigation:** Ensuring that all interrogation procedures are conducted ethically and lawfully, and that all evidence is collected and documented properly.

## **Legal Framework and Human Rights**

The legal framework governing police interrogation varies across jurisdictions but generally includes the following key principles:

- **Right to Remain Silent:** Suspects have the right to remain silent and to refuse to answer any questions. This right is enshrined in the Fifth Amendment to the United States Constitution and similar provisions in other legal systems.

- **Right to Counsel:** Suspects have the right to be informed of their right to counsel and to have an attorney present during questioning. This right was established by the landmark Supreme Court case *Miranda v. Arizona* (1966).
- **Protection Against Coercion:** The use of coercion, including physical or psychological abuse, is strictly prohibited during police interrogation.
- **Voluntariness of Statements:** Any statements made by a suspect during interrogation must be voluntary and not obtained through coercion or improper influence.
- **Recording of Interrogations:** In many jurisdictions, interrogations are now routinely recorded, both audio and video, to ensure transparency and accountability.

### **Ethical Considerations**

- **Minimizing the Risk of False Confessions:** The potential for false confessions is a significant ethical concern in police interrogation. Factors such as stress, fatigue, and the desire to please interrogators can increase the risk of false confessions.
- **Protecting the Rights of Suspects:** It is crucial to ensure that the rights of all suspects are fully protected during the interrogation process. This includes the right to remain silent, the right to counsel, and the right to be free from coercion.
- **Maintaining Professionalism and Integrity:** Police officers must maintain a high level of professionalism and integrity during interrogations. This includes treating suspects with respect, avoiding any form of bias or discrimination, and adhering to all legal and ethical guidelines.
- **Transparency and Accountability:**
  - Transparent and accountable interrogation practices are essential for maintaining public trust in the criminal justice system.
  - This includes the use of recording devices, the availability of independent oversight mechanisms, and the prompt investigation of any allegations of police misconduct.

### **Evolving Landscape of Interrogation Techniques**

- **Technological Advancements:** New technologies, such as lie detector tests and brain imaging techniques, are increasingly being used in criminal investigations, raising ethical and legal concerns about their reliability and potential for misuse.
- **The Impact of Cognitive Science:** Research in cognitive psychology is informing the development of new interrogation techniques that are more effective and less coercive. These techniques focus on building rapport, active listening, and open-ended questioning.
- **The Role of Technology in Recording Interrogations:** The use of video and audio recording technology is becoming increasingly common in police interrogations. This can help to ensure transparency and accountability, and can also assist in the investigation and prosecution of cases.

### **Conclusion**

Police interrogation is a critical aspect of criminal investigations, but it must be conducted ethically and lawfully. The protection of individual rights, the minimization of coercion, and the prevention of false confessions are paramount. By adhering to ethical principles, respecting the rights of suspects, and continuously improving interrogation techniques, law enforcement agencies can ensure that the interrogation process serves justice and upholds the integrity of the criminal justice system.

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