

ABSTRACT

INCORPORATION OF ARTICLE 20(3) OF THE INDIAN CONSTITUTION: A GLIMPSE OF STUDY

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The right against self-incrimination originated from the Latin maxim “nemo tenetor seipsum accusare”. This right considered the “landmark in man’s struggle to make himself civilized”, is generally regarded as a protection against custodial torture and tyranny in Common law countries. It was first incorporated into Criminal Procedure and later indoctrinated in Indian Constitution-part-III. In this article, an effort is made to clarify and understand how the idea of “self-incrimination,” as stated in Article 20(3) of Indian Constitution, applies in the context of the presumption of innocence and light of decided decisions. It has also been investigated to see whether the theory covers coercive testimony inside and outside of court.

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