

6.

PRESERVING CITIZEN'S LIBERTY IN DEMOCRATIC GOVERNANCE: A CASE FOR NUDGING THE CITIZENS TO VOTE

Annie Mampilly¹

Introduction

Where there is a crime there is a victim and there is a culprit. A fair investigation unveils the unruly face of the culprit of the crime in question. But crime investigation is not a simple process. It is a process which mandates fairness in all sense. In order to achieve this fairness, investigation has to fetch evidences and it also outlines a list of suspects. These suspects later metamorphose to accused of a case on further collection of evidence. Narco analysis and blood test are certain scientific mechanisms by which the guilt or innocence of an accused can be confirmed as the case may be. However, there is widespread criticism against such tests cemented by rights of privacy and rights against self-incrimination. The arguments against such tests are brought in by the accused and the prosecution vouches for the conduction of such tests.

Let us start from the prosecution point of view. The fundamental rights bestowed under the Constitution is intended to protect an accused person from the hazards of self-incrimination, but not intends to put obstacles in the way of efficient and effective investigation into the crime and bringing criminals to justice (Sasikumar case 2007). Invariably, accused is/are questioned in every crime as, at times, it helps the investigation of the crime (Mathew case 1974). The victim has a right to be protected against the criminal (Gajendra case 1975), and all of victim's rights are manifestly superior to those of the criminal (Lalita Kumari case 2014). There can be no gain saying the fact that a suspect is either innocent or guilty, and no one knows the truth better than does the suspect himself (State NCT of Delhi case 2005). It, therefore, stands to reason, that where there is a safe and humane measure existing to evoke the truth from the

¹ Annie Mampilly is an Advocate, High Court of Kerala and also a Guest Faculty of National University of Advanced Legal Studies, Cochin. Email: anniemampilly333@gmail.com

consciousness of the suspect, then the truth must be extracted (Selvi case 2004; Kalawati case 2008).

The argument of the accused trails. The maxim, *nemo tenetur seipsum prodere* has become clothed in this country with the impregnability of a constitutional enactment (Selvi & Ors. Case 2010). If the accused is being administered these tests against his will and it is therefore in a way compulsion against these persons to be witnesses against themselves (M C Sekharan case 1980; K M Karunakaran case 2010).

Fundamental Rights Perspective

Narco Analysis test is thoroughly scientific, perfectly harmless and humane, since by no flight of the imagination can it be considered in any way cruel (Rojo George case 2006). It need not be said that prevention of crime and punishment for the crime are the duties of the State (Mehmood Nayyar Azam case 2012; Dayal Singh case 2012). Fetters on these duties can be put only in extreme cases where the protection of fundamental rights weighs more than the fundamental duties casted on the State (Selvi case 2004). The involuntary administration of narco analysis is a reasonable restriction on 'personal liberty' (Murugesan case 2007). It is a well settled principle that personal liberty guaranteed in our constitution is not absolute and fetters can be placed on them according to a procedure established by law (Raja ram Pal case 2007; Satwant Singh Sawhney case 1967). It is *a priori* that if a person's liberty is taken away by any substantive due process, then it does not violate Article 21 (Maneka Gandhi case 1987; Indira Sawhney case 1993). The involuntary administration of any of these tests is compatible with the constitutional guarantee of '*substantive due process*.' The procedural law of our country is endowed with numerous provisions for narco analysis and blood test.

The contrary argument is that narco analysis is in clear infringement of Article 21. This contention gains strength from the adherence to submission that Article 21 has been judicially expanded to include a 'right against cruel, inhuman or degrading treatment' (Francis Coralie Mullin case 1981; Olga Tellis & Ors case 1986; Bandua Mukti Morcha case 1984). Narco analysis is a form of violence or intrusion of a moral or mental nature, more subtle than visible violence administered by force (Arun Gulab Gavali case 2006). The law should not incentivize the use of interrogation tactics that violate the dignity and bodily integrity of the person being examined (D K Basu case 1996; Sheela Barse case 1983). Subjecting the accused to narco analysis violates the multiple

dimensions of personal liberty recognized by the court (Prabhu Dayal Deorah case 1974).

Another opposition to narco analysis is that it violates the accused's right to fair trial. Free and fair trial is a sine qua non of Article 21 of the Constitution (Triveniben & Ors. case 1989; Natasha Singh case 2013). Fair trial is the main object of criminal procedure and such fairness should not be hampered or threatened in any manner (Zahira Habibullah Sheikh case 2006). Fair trial has been accorded to every accused in the spirit of right to life and personal liberty (Amarinder Singh case 2009) and the accused must get a free and fair, just and reasonable trial on the charge imputed in a criminal case (Mohd. Hussain case 2012). The trial should be a search for the truth and not about over technicalities and must be conducted under such rules as will protect the innocent (Selvi & Ors. Case 2010). Moreover, everybody charged with a criminal offence shall be presumed innocent until proved guilty according to law' (Council of Europe 1950: Article 6[2]; United Nations Office of the High Commissioner 1966: Article 14[3][g]). The guarantee of 'presumption of innocence' bears a direct link to the 'right against self-incrimination' since compelling the accused person to testify would place the burden of proving innocence on the accused instead of requiring the prosecution to prove guilt (Council of Europe 1950: Article 6[2]; United Nations Office of the High Commissioner 1966: Article 14[3][g]).

The privacy rights rooted in Article 21 also plays its role against narco analysis. Article 21 has been judicially expanded to include the right to privacy (People's Union for Civil Liberties case 1997; R. Rajagopal case 1995). Narco analysis infringes the accused's right to privacy, both in a physical and mental sense (Mahesh case 2010). During the induction period and particularly during the recovery interval, patients were prone to make extremely naive remarks about personal matters, which, in their normal state, would never have revealed (Jitubhai Babubhai Patel case 2005). Most of the drug-induced revelations are not related to the relevant facts and they are more likely to be in the nature of inconsequential information about the subjects' personal lives (Sister Sherly case 2009). The ambit of personal liberty guaranteed under Article 21 is very wide and it concludes the right for their privacy, which cannot be intruded by administering drugs to conduct narco analysis test (Kharak Singh case 1963; Govind case 1975). The right of privacy is an essential component of the right to life envisaged by Art.21. The right, however, is not absolute (M Vijaya case 2001; Mr. 'X' case 1998) and may be lawfully restricted for the prevention of crime, disorder or protection of health or morals or protection of rights and freedom of others (Murugesan case 2007).

Therefore, conducting narco analysis or blood test is not an intrusion into the privacy of accused (Murugesan case 2007).

Another point of criticism is that the involuntary administration of any of these tests is incompatible with the constitutional guarantee of 'substantive due process.' There is no law in force which permits the use of these tests on the accused. As explicated by the court, if there is no other provision providing for a power, it ought not to be read in any other provision (State of U.P. case 1980; S N Sharma case 1970). Referring to the relevant provisions which permit the compulsion to perform certain acts by an accused, it is clear that there is no such compulsion adumbrated under Cr.P.C. In the absence of any specific provision in the enactment subjecting the accused to compulsion to participate in the Test, any direction issued to the accused to present himself in the Test would be directly hit by the provision under Article 20(3) of the Constitution of India (Ritesh Sinha case 2013). Section 53 does not include injecting drug to accused (Rubabbudin case 2010). Further, the definition of the investigation under section 2(h) of the Code of Criminal Procedure takes in only collection of evidence by a Police Officer or by any person who is authorised by a Magistrate in this behalf and hence will not take in, narco analysis test being conducted by the expert in that field (Susan Abraham case 2010) and therefore the test is not authorised by the Code of Criminal Procedure. It is evident that Section 161(2), Cr.P.C. enables a person to choose silence in response to questioning by a police officer during the stage of investigation. The narco analysis also violates Section 161, Cr.P.C. which protects the accused as well as suspects and witnesses who are examined during the course of investigation in a criminal case (Vinayagam case 2006). If the accused is indeed compelled to make statements while in custody, relying on such testimony as well as its derivative use will offend Article 20(3) (Ramesh case 1970). The scheme of the CrPC itself acknowledges this hierarchy between constitutional and statutory provisions in this regard (Nandini Satpathy case 1978).

It is an often unraveled argument by the accused in most of the cases that administering the narco analysis and blood test, interferes with the protection guaranteed under Article 20(3). Article 20 entails one of the fundamental protections controlling the interactions between individuals and the criminal justice system (State of Bombay case 1960). The involuntary administration of the narco analysis violates the 'right against self-incrimination' (Sri Maruti Processors case 2013). In order to invoke Article 20(3) there must be formal accusation of commission of any offence, the accused of such formal accusation should be compelled to make a statement and the statement so compulsorily

made or evoked or provoked is incriminating to the accused or maker thereof (Laxmipat Choraria & Ors. case 1968; M.P. Sharma & Ors. case 1954).

An accused cannot claim protection under Article 20 (3). In order to invoke Article 20(3) the accused should be compelled to make a statement and the statement so compulsorily made or evoked or provoked should be incriminating to the accused (Balkishen case 1981). Here there is no testimonial compulsion and narco analysis does not amount to testimonial compulsion. The compulsion in the above sense is physical objective act and not state of mind of person making the statement (Sr. Sephy case 2009; Shobhit Samayya case 2012). Hence, the mere asking by a police officer investigating the crime against a certain individual to do a certain thing is not compulsion within the meaning of Article 20(3) of the Constitution of India (Chandran case 1987).

The accused also tends to put forth that the techniques of narco analysis and blood test amount to testimonial compulsion (Selvi case 2010; Mahendrabhai Lallubhai Patel case 2013) thereby attracting the bar of Article 20(3) (Nandini Satpathy case 1978). The administering of the impugned tests could prompt a person to make incriminatory statements. Hence, the act of threatening to administer the impugned tests could also elicit testimony (Savji Mulji Vaghela case 2007). It was held that law confers on 'any person' who is examined during an investigation, an effective choice between speaking and remaining silent (Sukhvinder case 2010). It is, therefore, submitted that Narco Analysis Techniques involves a testimonial act (Sh. Shailender Sharma case 1983). A person who is subjected to such a Test is encouraged by official means by injecting drugs and pushing such a person to a drug-induced state (Avtar Singh case 2006). Such a technique of eliciting answers and information is totally different from verbal answers which may give during an ordinary interrogation (Avtar Singh case 2006). The verbal responses articulated by an accused during the process of such tests would amount to oral statements emanated from his personal knowledge of the facts. Therefore, subjecting an accused to such tests for the purpose of drawing information from the personal knowledge of an accused against his will and pleasure would amount to testimonial compulsions and violative of Article 20(3) of the Constitution of India (M.P. Sharma & Ors. case 1954) .

Further, blood test results obtained from blood test are treated as personal testimony (State of Bombay case 1961) since they are a means for imparting personal knowledge about relevant facts (State of Bombay case 1961). Hence, it must be concluded that the results obtained through the involuntary administration of either of the impugned tests

come within the scope of testimonial compulsion (State of Bombay case 1961) thereby attracting the protective shield of Article 20(3) (Panner Selvam case 2012).

Self-incrimination occupies the paramount position in the argument of an accused who is subjected to narco analysis and blood test. In order to bring the evidence within the inhibition of Clause 3 of Article 20, it must be shown that it had a material bearing on the criminality of the maker of the statement (Sukhvinder case 2010). When the accused undergoes narco analysis test or blood test, he comes out with certain incriminating facts as against himself from his personal knowledge (Sukhvinder case 2010). The protection is against compulsion to administer a test or make a statement and not a protection against user of that statement as evidence (Mohinder Singh case 2009). Therefore, the protection granted by this clause commences the moment the witness or the accused is told that he has to undergo the test (Abhai Singh case 2009). The investigative use of the impugned techniques creates a likelihood of incrimination for the subject (Abhai Singh case 2009). It could expose the accused to criminal charges (Chandra Mohan Shukla case 2011). The statements made could be directly relied upon by the prosecution to strengthen their case (Kalawati case 1953). Moreover, when information revealed during such tests lead to the discovery of independent materials, and thus furnishes a link in the chain of evidence gathered, it must be held wide enough to cover a case which offends Art.20(3) (Dhoon Singh case 1957; Govinda 1958; Jethiva case 1955).

However, in the author's view point, extracting blood sample is not a testimonial compulsion within the meaning of Article 20(3). Compelling a person physically or morally to give evidence against himself for the purpose of extorting communications from him is prohibited, but not exclusion of his body as evidence when it is material to do so (Holt case 1910). It has been categorically pronounced by the Hon'ble Supreme Court that exposing part of the body by an accused person for the purpose of identification would not amount to furnishing evidence in the capacity as a witness (State of Bombay case 1961). Conducting DNA test is held to be not violative of Article 20(3) of the Constitution of India as subjecting an accused to give material sample of DNA would not amount to testimonial compulsion of an accused (Ritesh Sinha case 2013). No oral response is articulated by the accused exposing him to self-incrimination during the course of blood test (Sharda case 2003). Therefore, the blood test conducted with the compulsory association of an accused would not violate the spirit of Article 20(3) of the Constitution of India (Dastagir case 1960).

Another point for consideration is that the statement so compulsorily made or evoked or provoked should be incriminating to the accused. As explicated in *Dushyant Somal vs Sushma Somal*, if the statements extracted from accused do not incriminate him then Article 20(3) is not called for.

Results of narco analysis is not incriminating to the accused. To attract the protection under 20(3) it must be of such a character that a statement by itself should have the tendency of incriminating the accused (Delhi J.S.A. case 1991). It should be a statement which makes the case against the accused at least probable, considered by itself (Narayanlal case 1961). The Court has then and again indicated that Article 20(3) could be invoked only against statements which had a material bearing on the criminality of the maker of the statement². In light of these observations, it could be seen that a statement extracted through narco analysis does not by itself incriminate the accused. Such statements may furnish a link in the chain of evidence and hence create a risk of exposure to criminal charges (M.C. Sekharan case 1979; Santokben S. Jadeja case 2008). The information given by an accused person to a police officer leading to the discovery of a fact which may or may not prove incriminatory has been made admissible in evidence by that Section 27 and it was is not held ultra vires the constitution (Dinesh Dalmia case 2006; Jitubhai Babubhai Patel case 2005). However, it is conceivable that in some circumstances the testimony extracted through compulsion may not actually lead to exposure to criminal charges or penalties at the time of administering the impugned tests, it cannot be ascertained whether the resulting revelations or inferences will prove to be inculpatory or exculpatory in due course. Taking this reasoning forward, it was held that the narco analysis test does not attract protection of Article 20 (3) since the same does not necessarily lead to the extraction of inculpatory evidence (Ramachandra Ram Ready case 1973). If it is not incriminatory of the person giving the information, the question does not arise (Sampatrao R. Arvelli case 2009; Shashikant Ojha case 2012). It can arise only when it is of an incriminatory character so far as the giver of the information is concerned (K.Venkatarao case 1955; Shelarbhay Najbhay case 2010). Hence, the mere fact that the accused person, when he made the statement in question was in police custody would not, by itself, be the foundation for an inference of law that the accused was compelled to make the statement (Inspector of Police case 2004).

² Cf. Thomas Dana case 1959.

Conducting blood test for the purpose of a fair investigation does not incriminate the accused. By giving blood sample the accused does not convey information based upon his personal knowledge which can incriminate him (Neeraj Sharma case 1993). A blood sample by itself is fully innocuous (Thogorani case 2004). By comparing it with other evidences, the investigator may draw his conclusion but, blood sample by itself is not incriminating at all (Yusuf Ali case 1968). When an accused is asked to give blood sample, he is not giving any testimony of the nature of a personal testimony. When compared with the other samples on hand with the help of mechanical process, it may throw light on the points in controversy (Magraj Patodia case 1971). It cannot be said, by any stretch of imagination that by giving blood sample, the accused conveyed any information based upon his personal knowledge and became a witness against himself (State of Bombay case 1961). The accused by giving the blood sample merely gives 'identification data' to the investigating agency (Sarwan Singh case 1957). Thus, taking blood sample of an accused by the police during investigation is not hit by Article 20(3) of the Constitution (Pyarelal case 1963).

The Shield of Criminal Procedure Code 1973 and Indian Evidence Act 1872

For facilitating effective investigation, Section 53 authorizes investigating machinery to get an arrested person examined by a medical practitioner (Anil Anantrao Lokhande case 1980). A registered medical practitioner at the request of a police officer can lawfully examine the accused to ascertain the facts which may offer some evidence (Ananth Kumar case 1977). If there is any resistance from the person arrested to such medical examination, some force reasonably necessary for that purpose can also be used (Sh. Shailender Sharma case 2009). The doctrine of '*ejusdem generis*' (Osmanabad case 2008; Rameshwar Prasad Goyal case 2014; Amar Chandra Chakraborty case 1972) entails that the meaning of general words which follow specific words in a statutory provision should be construed in light of commonality between those specific words (K.K. Kochuni case 1960). It must be acknowledged that substances mentioned in Explanation (a) to Section 53 are examples of such extracted and, hence, the words "*and such other tests*" mentioned therein should be construed to include narco analysis test as well (State of Gujarat case 2009; Sh. Shailender Sharma case 2009; Selvi case 2004). In modern progressive society it would be unreasonable to confine the intention of a Legislature to the meaning attributable to the word used at the time the law was made, it must be presumed to be aware of an enlarged meaning (Senior Electric Inspector case 1962). Indeed, unless a contrary intention appears, an interpretation should be given to the words used to take in new facts and situations, if the words are capable of comprehending them (Senior Electric Inspector case 1962).

Section 156 authorizes the investigative agency to conduct narco analysis. Section 156(1) empowers any officer-in-charge having jurisdiction to investigate any cognizable case. Admittedly, the offence punishable under Section 302 of the Indian Penal Code is a cognizable offence. So, said provision comes to the aid of investigating agency for investigation. "Investigation" as defined in Section 2(h) of the Criminal Procedure Code includes all the proceedings under the Code of Criminal Procedure for the collection of evidence conducted by a Police Officer. Thus, collection of evidence by Police Officer is permitted under law. Conducting Narco-analysis Test on accused is in the process of collection of such evidence by the investigating agency (Selvi case 2004). So and when the word investigation includes collection of evidence by the I.O., it cannot be termed as unwarranted or bad in law (State of West Bengal case 1982). So long as it is not barred under any statute or does not violate fundamental rights or barred under any other provisions of law, Investigating Agency is definitely entitled to employ the said scientific test (Sister Sherly case 2009).

Section 39 of the Criminal Procedure Code casts a duty upon every person to furnish information regarding offences. Criminal justice system cannot function without the cooperation of the people (Raj Deo Sharma case 1999). Rather, it is the duty of every person to assist the State in the detection of the crime and bringing criminal to justice. Withholding such information cannot be traced to the right to privacy (Sharda case 2003), which itself is not an absolute right (Mr. 'X' case 1998). It is the statutory duty of every witness, who has the knowledge of commission of crime, to assist the State in giving evidence (State of Gujarat case 2011).

Apart from the aforementioned provisions, Section 161(1) of Cr.P.C. empowers the police officer investigating a case to orally examine any person who is supposed to be acquainted with the facts and circumstances of the case. Section 161 enables such Police Officer to examine him orally. Sub section (2) of Section 161 mandates that such person shall be bound to answer truly all questions relating to such case put to him by such officer (Arun Gulab Gavali case 2006). The overall intent of these provisions is to ensure the citizens cooperation during the course of investigation (Mohd. Ajmal Kasab case 2012; Prithipal Singh case 2012).

The violation of the substantive law of confession contained in Sections 24 to 30 of Indian Evidence Act is an argument by the accused built against narco analysis test and blood test. It is a settled principle that statements made in custody are considered to be unreliable (State of Assam case 1989) unless they have been established by other cogent evidence (Santosh case 1991). The scheme created by the Code of Criminal Procedure

and the Indian Evidence Act also mandates that confessions made before police officers are ordinarily not admissible as evidence (Balbir Singh case 1995; Maghar Singh case 1975). The doctrine of excluding the 'fruits of a poisonous tree' has been incorporated in Sections 24, 25 and 26 of the Indian Evidence Act, 1872 (Selvi & Ors case 2010).

If an individual's 'will was overborne' or if his confession was not 'the product of a rational intellect and a free will', his confession is inadmissible because coerced (State of Haryana case 1995). These standards are applicable whether a confession is the product of physical intimidation or psychological pressure (Vinod Solanki case 2008) and, of course, are equally applicable to a drug-induced statement (National Investigation Agency case 2012). A confession obtained from the impugned tests would be less the product of a free intellect, less voluntary. Any questioning by police officers which in fact produces a confession which is not the product of a free intellect renders that confession inadmissible. It is then and again been held that before extra-judicial statements can be admitted in evidence the prosecution must be made to prove beyond reasonable doubt that the statement was not obtained in a manner which should be reprobated and was therefore in the truest sense voluntary (National Investigation Agency case 2012).

Section 27 of the Evidence Act authorises the court to ignore those means and act on the information if the end justifies it (Chandran case 1978; Kartar Singh case 1993). Only "so much of information" (Bahadul case 1979) as relates distinctly to the fact thereby discovered" is made admissible but that is equally bad as the other parts if the means employed are bad. The discovery of the incriminating article is not sufficient to justify the admission of the information which otherwise would have stood inadmissible. Using these tests the accused can be broken down and he would blurt out incriminating statements.

Section 27 of the evidence act makes the evidence collected from narco and blood test as an admissible piece of evidence. The Apex court has held that statement or information by accused in the said test may even show their innocence or may lead to discovery of a fact or object material in the crime. If so, it is not at all hit by Article 20(3) (State of Gujarat case 1965). No question could possibly arise as to the admissibility of such information on the ground that it was obtained by coercion and it was supposed that the guarantee of the truth of the information, even induced³ was afforded by the actual

³ cf. State of Orissa case 1959

discovery of the fact discovered in consequence of that information (State of Bombay case 1961).

Conclusion

A meticulous analysis of the Constitutionality of the tests of narco analysis and collection of blood samples of the accused along with the criminal procedure laws implicates that such tests are inevitable in fair investigation. Investigations are often criticized for not being fair, proper and speedy. These tests if conducted actually accelerate the speed and accuracy of an investigation. Of course it is true that the rights of an accused are to be protected. But it should not be at the cost of the rights of the victim. Presumption of innocence is only till the accused is proved guilty. The guilt can be proved or disproved in certain cases only with the help of such tests. When a person refuses to undergo such tests, an adverse presumption should be mandatorily drawn. Above all, narco analysis and blood test is necessary to effectively and efficiently pursue and conclude an investigation and to reveal the mystery behind a crime.

References

- *Abhai Singh vs State of U.P. (2009) 75 ALR 269
- *Amar Chandra Chakraborty vs The Collector of Excise, Govt. of Tripura, Agartala and others, AIR 1972 SC 1863
- *Amarinder Singh vs Parkash Singh Badal & Ors., (2009) 6 SCC 260
- *Ananth Kumar vs State of A.P. 1977 CrLJ 1797
- *Anil Anantrao Lokhande vs State of Maharashtra 1980 Mah LJ 849
- *Arun Gulab Gavali vs State of Maharashtra 2006 CriLJ 2615
- *Avtar Singh vs State of Haryana (2006) 2 RCR (Cri) 152
- *Bahadul vs Orissa, 1979 Cr LJ 1075
- *Balbir Singh vs State of Orissa, 1995 Cr LJ 1762(Orissa)
- *Balkishen vs State of Maharashtra AIR 1981 SC 379
- *Bandua Mukti Morcha vs Union of India AIR 1984 SC 802
- *Chandra Mohan Shukla vs Anil Dhirubhai Ambani, (2011) 1 All LJ (NOC 105) 28

*Chandran vs State of Kerala 1987(1) KLT 391

*Chandran vs State of T.N. AIR 1978 SC 1574

*Kartar Singh vs State of Punjab, AIR 1993 SC 341

Council of Europe (1950), *Convention for the Protection of Human Rights and Fundamental Freedoms* (as amended by Protocols No. 11 and No. 14), Rome, 4.XI., European Treaty Series – No. 5, [Online: Web] Accessed on 12 Feb 2017, URL: <https://rm.coe.int/1680063765>.

*D.K. Basu vs State of W.B., (1996) 4 SCC 29

*Dastagir vs State of Madras AIR 1960 SC 756

*Dayal Singh vs State of Uttaranchal (2012) 8 SCC 263

*Delhi J.S.A. vs State of Gujarat AIR 1991 SC 2176

*Dhoon Singh vs State, AIR 1957 All 196 (203)

*Dinesh Dalmia vs State 2006 Cr LJ 2401

*Dushyant Somal vs SushmaSomal, AIR 1981 SC 1026

*Francis Coralie Mullin vs The Administrator, Union Territory of Delhi (1981) 2 SCR 516

*Gajendra vs State of U.P AIR 1975 SC 1703

*Govind vs State of M.P., AIR 1975 SC 1378

*Govinda, in re, AIR 1958 Mys 150

*Holt vs. United States, 218 U.S. 245(1910)

*Indira Sawhney vs Union of India. AIR 1993 SC 477

*Inspector of Police vs N.M.T. Joy Immaculate (2004) 5 SCC 729

*Jethiva vs State, AIR 1955 Raj 147

*Jitubhai Babubhai Patel vs State of Gujarat, (2005) 10 SCC 545

- *K.K. Kochuni vs State of Madras and Kerala, AIR 1960 SC 1080
- *K.M. Karunakaran vs State of Kerala 2010 (4) KLT 235
- *K.Venkatarao vs State of A.P. AIR 1955 SC 600
- *Kalawati vs State of H.P. AIR 1953 SC 131
- *Kalawati vs State of H.P. 2008(3) Shim LC 295
- *Kharak Singh vs State of U.P, A.I.R. 1963 SC 1295
- *Lalita Kumari vs Govt. of U.P. (2014) 2 SCC 1
- *Laxmipat Choraria & Ors. vs State of Maharashtra, AIR 1968 SC 938
- *M. Vijaya vs Singareni Collieries Co. Ltd. AIR 2001 AP 502
- *M.C. Sekharan v State of Kerala 1980 CriLJ 31
- *M.C. Sekharan vs State of Kerala 1979 KLT 33
- *M.P. Sharma & Ors. vs Satish Chandra, District Magistrate, Delhi & Ors. (1954) SCR 1077
- *Maghar Singh vs Punjab, AIR 1975 SC 1320
- *Magraj Patodia vs R.K. Birla AIR 1971 SC 1295
- *Mahendrabhai Lallubhai Patel vs State Of Gujarat AIR, 2013 SC 3695
- *Mahesh vs State of Maharashtra, (2010) 5 AIR Bom R 333
- *Maneka Gandhi vs Union of India 1978 AIR 597
- *Mathew vs State of Kerala (1974) CrLJ 1198
- *Mehmood Nayyar Azam vs State of Chhattisgarh (2012) 8 SCC 1
- *Mohd. Hussain @ Julfikar Ali vs State (Govt. of NCT of Delhi), AIR 2012 SC 750
- *Mohd. Ajmal Kasab vs State of Maharashtra (2012) 9 SCC 1
- *Prithipal Singh vs State of Punjab (2012) 1 SCC 10

- *Mohinder Singh vs SurendraKoli, (2009) 84 (Sum 2) 2
- *Mr. 'X' vs Hospital 'Z' (1998) 8 SCC 296
- *Murugesan vs State (2007) 2 MLJ (Cri) 894
- *Nandini Satpathy vs P.L. Dani, (1978) 2 SCC 424
- *Narayanlal vs Maneck AIR 1961 SC 29
- *Natasha Singh vs CBI, (2013) 5 SCC 741
- *National Investigation Agency vs Devendra Gupta Cri.A. No. 1197 of 2012
- *Neeraj Sharma vs State of U.P. 1993 Cr LJ 2266
- *Olga Tellis & Ors vs Bombay Municipal Corpn., AIR 1986 SC 180
- *Osmanabad vs Mantralaya, Mumbai (2008) 6 Mah LJ 389;
- *Panner Selvam vs State, (2012) 1 MWN (Cri) 310
- *People's Union for Civil Liberties (PUCL) vs Union of India, (1997) 1 SCC 301
- *Prabhu Dayal Deorah vs District Magistrate, Kamrup, AIR 1974 SC183
- *Pyarelal vs State of Rajasthan AIR 1963 SC 1094
- *R. Rajagopal vs State of Tamil Nadu, AIR 1995 SC 264
- *Raj Deo Sharma vs State of Bihar (1999)7 SCC 604
- *Raja Ram Pal vs LokSabha (2007) 3 SCC 184
- *Ramachandra Ram Ready vs State of Maharashtra (1973) 1 SCC 417
- *Rameshwar Prasad Goyal, in re (2014) 1 SCC 572
- *Ritesh Sinha vs State of U.P. (2013) 2 SCC 357
- *Rojo George vs Deputy Superintendent of Police 2006 (2) KLT 197
- *Romesh vs State of W.B., AIR 1970 SC 940

- *Rubabbudin Sheikh vs State of Gujarat (2010) 2 SCC 200
- *S.N. Sharma vs Bipen Kumar Tiwari AIR 1970 SC 786
- *Sampatrao R. Arvelli vs State of Maharashtra and Others 2009 Cri.L.J. 457 Bom HC
- *Santokben S. Jadeja vs State of Gujarat 2008 (2) KLT 398
- *Santosh vs State of Kerala, 1991 Cr LJ 570 Ker
- *Sarwan Singh vs State of Punjab AIR 1957 SC 637
- *Sasikumar vs Sub Inspector Of Police, (2007) 2 SCC 165
- *Satwant Singh Sawhney vs D. Ramarathnam(1967) 3 SCR 525
- *Savji Mulji Vaghela vs State of Gujarat, Criminal Revision Application No. 563 of 2007
- *Selvi & Ors vs State of Karnataka, AIR 2010 SC 1974
- *Selvi vs State 2004 (7) Kant LJ 501
- *Senior Electric Inspector vs Laxminarayan Chopra (1962) 3 SCR 146
- *Sh. Shailender Sharma vs State (2009) 1 KLD 212
- *Sharda vs Dharmpal (2003) 4 SCC 493
- *Shashikant Ojha vs State of Bihar (2012) 2 Cal LT 158
- *Sheela Barse vs State of Maharashtra, (1983) 2 SCC 596
- *Shelarbhajai Najbhajai vs State of Gujarat, Criminal Misc. Application No. 16081 of 2010
- *Shobhit Samayya vs The State of Madhya Pradesh W.A. No. 1185/2012
- *Sister Sherly vs Central Bureau of Investigation (2009) 1 SCC 342
- *Sister Sephy, St. Pious Xth Convent vs Union of India 2009 (4) KLT 287
- *Sri Maruthi Processors vs R. Subramaian (2013) 2 MWN (Cri) DCC 49

- *State (NCT of Delhi) vs Navjot Sandhu (2005) 11 SCC 600
- *State of Assam vs Manik Chandra Dey, 1989 Cr LJ 1495 Gau
- *State of Bombay vs Kathi Kalu Oghad, AIR 1961 SC 1808
- *State of Gujarat vs Anirudha Singh (2011) 10 SCC 420
- *State of Gujarat vs Shyamlal Mohanlal Choksi AIR 1965 SC 151
- *State of Gujarat vs Ketan, Criminal Revision Application No. 261 of 2009
- *State of Haryana vs Paramanand, 1995 Cr LJ 396(P&H)
- *State of Orissa vs Basania AIR 1959 Ori 33
- *State of U.P. vs Ram Babu Misra, AIR 1980 SC 791
- *State of West Bengal vs Swapn Guha (1982) 1 SCC 561
- *Sukhvinder vs State of Haryana on CRM No. M-18014 of 2010 (O&M)
- *Susan Abraham vs State of Maharashtra (2010) 2 Mah LJ 560
- *Thogorani vs State of Orissa 2004 Cr LJ 4003 (Ori)
- *Thomas Dana vs State of Punjab, AIR 1959 SC 375
- *Triveniben & Ors. vs State of Gujarat & Ors., AIR 1989 SC 1335
- United Nations Office of the High Commissioner, International Covenant on Civil and Political Rights (1966), [Online: Web] Accessed on 12 Feb 2017, URL: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.
- *Vinayagam vs State (2006) 1 MWN (Cri) 409
- *Vinod Solanki vs Union of India (2008) 16 SCC 537
- *Yusuf Ali vs State of Maharashtra AIR 1968 SC 147
- *Zahira Habibullah Sheikh & Anr. vs State of Gujarat, AIR 2006 SC 1367