

Privacy and Self Incrimination

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Abstract: *Under Article 20(3) of the Indian Constitution, "No person accused of an offence shall be compelled to be a witness against himself," the accused is protected from being forced to testify against themselves. "Nemo tenetur prodre accusare seipsum" which literally translates to "No Man is Obligated to be a Witness against Himself," serves as its foundation. This privilege is typically thought to grant the accused the ability to legally keep silent when confronted with potentially damning inquiries. It was first incorporated in Criminal Procedure and later ingrained in Part III of the Constitution of India under Article 20(3). A person against whom criminal proceedings have been instituted must be conceded the right to remain silent about the accusation. The privilege has been conferred upon the accused by the application of the doctrine of presumption of the innocence which is considered as a cardinal principle in the administration of criminal; justice.¹ In this article, I want to emphasise how the right against self-incrimination is founded on the right to privacy and further examine the ramifications of this link with technological development.*

Keywords: Privacy, Self Incrimination

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