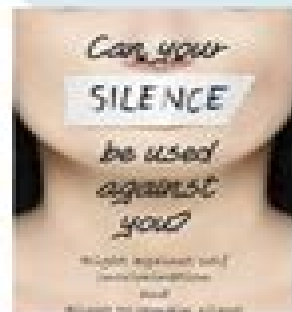


Right to Remain Silent

Context: The Supreme Court of India has emphasized that all accused individuals have the **right to remain silent and cannot be forced to speak or admit guilt.**

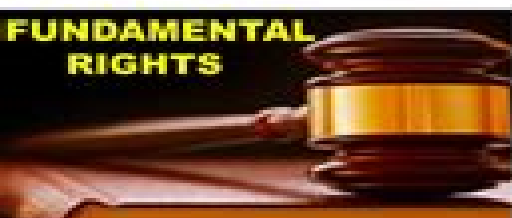


What is the Right to Remain Silent?

The right to remain silent is a **legal principle** that allows individuals to refuse to answer questions or provide information to law enforcement or during legal proceedings **without facing negative consequences**

Observation of SC

Cooperation with an investigation does not equate to **confession**, and an accused person's choice to remain silent cannot be considered non-cooperation. An accused's decision to remain silent should not absolve the prosecution from proving guilt beyond a reasonable doubt.



Right to silence is derived from **Article 20(3) of the Indian Constitution (fundamental right)**, which prohibits compelling a person to be a witness against themselves.

Exceptions:

The Protection limited **only to criminal proceeding**. Right is not available to a person who is being interrogated under **Customs Act, 1962, or Foreign Exchange Management Act, 1999**, since the person is not **"accused of an offence"** and isn't entitled to a lawyer.



Right To Remain Silent

Donald E. Lively, D. Scott Broyles



Right To Remain Silent:

The Case for the Right to Silence Susan M. Easton, 1998 10 Miscarriages of justice *Beat the Heat* Katya Komisaruk, 2003-01-01 Know your rights and exercise them **Is There a Right to Remain Silent?** Alan M. Dershowitz, 2008-05-06 The right to remain silent guaranteed by the famed Fifth Amendment case *Miranda v Arizona* is perhaps one of the most easily recognized and oft quoted constitutional rights in American culture Yet despite its ubiquity there is widespread misunderstanding about the right and the protections promised under the Fifth Amendment In *Is There a Right to Remain Silent* renowned legal scholar and bestselling author Alan Dershowitz reveals precisely why our Fifth Amendment rights matter and how they are being reshaped limited and in some cases revoked in the wake of 9 11 As security concerns have heightened law enforcement has increasingly turned its attention from punishing to preventing crime Dershowitz argues that recent Supreme Court decisions have opened the door to coercive interrogations even when they amount to torture if they are undertaken to prevent a crime especially a terrorist attack and so long as the fruits of such interrogations are not introduced into evidence at the criminal trial of the coerced person In effect the court has given a green light to all preventive interrogation methods By deftly tracing the evolution of the Fifth Amendment from its inception in the Bill of Rights to the present day where national security is the nation s first priority Dershowitz puts forward a bold reinterpretation of the Fifth Amendment for the post 9 11 world As the world we live in changes from a deterrent state to the heightened vigilance of today s preventative state our construction he argues must also change We must develop a jurisprudence that will contain both substantive and procedural rules for all actions taken by government officials in order to prevent harmful conduct including terrorism Timely provocative and incisively written *Is There a Right to Remain Silent* presents an absorbing look at one of our most essential constitutional rights at one of the most critical moments in recent American history *The Trial Proceedings Of The International Criminal Court* Notburga K. Calvo-Goller, 2006 Contains the trial proceedings of the International Criminal Court the ICTY and the ICTR in one single volume This book covers the procedural and evidentiary aspects of the trials before the ICC from the beginning of an investigation until the time the convict has served the sentence and it includes ICTY and ICTR precedents *EU Procedural Rights in Criminal Proceedings* Taru Spronken, 2009 All EU Member States are party to the European Convention on Human Rights ECHR which is the principal treaty setting out the basic standards for suspects procedural rights in criminal proceedings in the EU However divergent practices in different Member States have hitherto hindered mutual trust and confidence between them In order to counter this obstacle the European Commission in its 2003 Green Paper on Procedural Safeguards for Suspects and Defendants in Criminal Proceedings throughout the EU held that the EU is justified in taking action in this field Member States had also expressed the need and wish for cooperation in the matter on a EU level However the ideas in the 2004 Commission Proposal for a Council Framework Decision on Certain Procedural Rights in Criminal Proceedings throughout

the European Union have not yet sparked any political agreement on the matter In 2005 the Commission arranged for a study to be carried out on procedural rights in the EU in order to comply with the The Hague Programme s call for studies on the existing levels of safeguards in the Member states This book contains the results of an EU wide research project JLS 2008 D3 002 The authors have conducted this follow up report to the 2005 study providing up to date information on the level of procedural rights in the Member States as a lead for possible new Commission legal initiative on the matter and as a boost for the Roadmap on Procedural Rights presented by the 2009 Swedish EU Presidency The main procedural rights studied the right to information the right to legal advice the right to legal assistance partially free of charge and the right to interpretation and translation seem to be guaranteed by law more or less in accordance with the ECHR in the criminal justice systems of the EU However a more in depth look at the implementation of these rights raises doubts as to whether in all Member States everyday practice is in line with the Strasbourg standard This underlines the need for EU action probably even beyond this presumed *acquis* Particularly striking is the fact that fundamental rights such as the right to remain silent to have access to the file and to call and or examine witnesses or experts even if deemed basic requirements for a fair trial are not provided for in legislation in all EU Member States

A History of Criminal Justice in England and Wales John Hostettler, 2009-01-12 An ideal introduction to the rich history of criminal justice charting all its main developments from the dooms of Anglo Saxon times to the rise of the Common Law struggles for political legislative and judicial ascendancy and the formation of the innovative Criminal Justice System of today back cover

Fraud and the Serious Fraud Office Sally Ramage, 2005 This is Book Two Fraud and the Serious Fraud Office in the series Fraud Law following Book One Serious Fraud and Current Issues and deals with legal issues such as the right to silence of a suspect The law of Germany France and New York and Illinois is discussed and compared with English law to give a good perspective of fraud in the developed world The very fact that the series consists of five volumes speaks for itself that fraud is a huge problem and seems to have become accepted as part of our culture with roots of fraudulent behaviour running deep into the fabric of finance and accountancy There is nothing new under the sun as the saying goes and fraud is as common today as in centuries past man s ingenuity and cunning only growing sharper

Preempting Justice , Contemporary Supreme Court Cases Donald E. Lively, D. Scott Broyles, 2016-02-22 With its blend of accessible writing and actual excerpts from Court opinions this book serves to explain the legal and cultural underpinnings of landmark U S Supreme Court decisions of the past 35 years and to illuminate how these decisions have shaped the trajectory and character of modern American society As the nation s law defines society society defines the law As the nation s fundamental law the U S Constitution is the overarching statement of the people s will Interpreting the Constitution however is no simple task This book examines more than 100 landmark Supreme Court cases from 1973 to the present providing readers with insights into decisions that have had a profound impact on American politics commerce culture and life Organized categorically this book serves readers either as a comprehensive review of modern

constitutional law or as a ready reference source It includes entries on Supreme Court decision making regarding high interest issues such as abortion *Roe v Wade* 1973 *Gonzales v Carthart* 2007 climate change *Massachusetts v EPA* 2007 voting rights *Bush v Gore* 2000 free speech *Texas v Johnson* 1989 the death penalty *Roper v Simmons* 2005 immigration *Arizona v United States* 2012 campaign financing *Citizens United v FEC* 2010 gun control *District of Columbia v Heller* 2008 the Affordable Care Act *National Federation of Independent Business v Sebelius* 2012 and gay marriage *United States v Windsor* 2013 The book not only interprets key Court decisions but also provides critical context and perspective that makes the subject matter easier to understand and more meaningful especially for readers without an extensive background in Constitutional law Bibliographies are provided at the end of each case to direct those seeking to delve more deeply into specific topics *Negotiability Determinations by the Federal Labor Relations Authority (FLRA)*. ,1994

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