

NANDINI SATHPATHY v. P. L. DANI¹

The 1978 case of Nandini Satpathy v. P.L. Dani is a seminal ruling in Indian law, with regard to the Constitution and the Code of Criminal Procedure (CrPC). It dealt with important topics pertaining to the rights against self-incrimination under Article 20(3) of the Constitution and the protections during police interrogation under Section 161(2) of the CrPC. This case is noteworthy because it established a precedent for how Article 20(3) should be interpreted, preventing people from being forced to answer questions that can lead to self-incrimination both during the course of an investigation and during a trial.

Facts of the Case

In connection with a vigilance case against her and accusation of using her powers for illicit profits, former Orissa Chief Minister Nandini Sathpathy was told to appear before Cuttack police. Questions about her presumed acquisition of disproportionate assets were given to her. She declined to respond to the inquiries, exercising her constitutional privilege under [Article 20\(3\)](#). The Deputy Superintendent of Police, Vigilance, Cuttack, filed a complaint under several sections of the Indian Penal Code (IPC) and the Prevention of Corruption Act, which prompted the start of the investigation.

During an interrogation, she was asked numerous questions regarding her disproportionate assets and unlawful activities. Sathpathy refused to answer the questions, claiming that doing so would constitute self-incrimination, asserting her constitutional right under Article 20(3). After she refused, the Deputy Superintendent of Police filed a complaint against her under Section 179 of the IPC, and she was summoned by the Sub-Divisional Judicial Magistrate (SDJM), Cuttack. She subsequently went to the High Court to contest the legality of the actions taken against her. She then appealed to the Supreme Court after the High Court rejected her plea.

Question of Law

The case raised some major issues and set new precedents. One of the key issues raised was the application of Article 20(3) during Police interrogation, if the constitutional right to stay silent, or the right against self-incrimination, is applicable during police interrogation or if it is only applicable during the trial phase. The question is if an accused person or just witnesses are included in the definition of "any person" under Section 161 of the CrPC, which regulates police

¹ AIR 1978 SC 1025

interrogations. Whether an accused individual is required to respond to inquiries during police investigations was the issue of debate.

The case also brought up the issue of what really qualifies as "compelled testimony." In particular, whether a person's silence can be construed as coerced testimony, particularly when authorities employ physical or psychological coercion to elicit answers.

The case also questioned if Section 179 of the IPC, which deals with the refusal to answer lawful questions, requires mens rea (guilty mind) for the offence to be established. This issue was central to understanding whether Satpathy's refusal to answer questions was legally valid.

Judgement

The Court decided that the right against self-incrimination, as guaranteed by Article 20(3), extends beyond court proceedings to include police questioning. The Court gave an expansive interpretation of Article 20(3), taking into account that the protection against self-incrimination is applicable both during police investigations and even prior to the filing of official charges. As a fundamental right, the right to remain silent should be upheld during the entire investigation, the Court emphasized. Therefore, whether or not an accused individual has been formally charged in court, they cannot be forced to answer questions that could lead to their incrimination.

Regarding the issue of Section 161 of the CrPC, which allows police to question anyone, the court scrutinized the phrase "any person supposed to be acquainted with the facts." The Court ruled that both witnesses and accused individuals are covered by this clause, which means that an accused individual may be questioned by police. The Court emphasized, however, that such interrogation must respect the accused's fundamental right to remain silent. The Court also made it clear that Article 20(3)'s constitutional protections are not superseded by Section 161. Therefore, even though the police are allowed to question an accused individual, this authority is limited and cannot force the accused to give information that could lead to self-incrimination. It was acknowledged that psychological pressure or the coercive environment generated during police questioning can also result in compelled testimony, in addition to physical force.

Regarding Section 179 of the IPC, the Court explained that in order for the offense under Section 179 to be proven, the mens rea is a prerequisite. Because the appellant's reluctance to respond to the questions constituted a lawful use of her constitutional right to silence and did not amount to willful disobedience, the Court determined that Section 179 could not be used against her. The Court further decided that because her reluctance to respond was protected by Article 20(3), the prosecution could not move further with it.

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