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## **Constitution of India Art 20 - Protection in respect of conviction for offences**

**(1) No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the Act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.**

**(2) No person shall be prosecuted and punished for the same offence more than once.**

**(3) No person accused of any offence shall be compelled to be a witness against himself.**

### NOTES

Nature & Scope—An analysis of Article 20(3) shows three things: Firstly, its protection is available only to a “person accused of any offence”. Secondly, the protection is against compulsion “to be a witness”. Thirdly, this protection avails “against himself”. If any of these ingredients does not exist, clause (3) of Article 20 will not be attracted, *Balkishan A. Devidayal v. State of Maharashtra*, (1980) 4 SCC 600.

“Law in force” excludes retrospective laws, *West Ramand Electric Distribution Co. Ltd. v. State of Madras*, AIR 1962 SC 1753.

Revival of procedure after its repeal and its retrospective application does not violate Article 20(1). *G.P. Nayyar v. State (Delhi Admn.)*, (1979) 2 SCC 593.

Self-Incrimination—Right against self-incrimination arises when incriminating statement is made out of compulsion, *Selvi v. State of Karnataka*, (2010) 7 SCC 263

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