

Judicial Interpretation of Confessional Statement under NDPS Act : Comparing India's Enforcement with International Human Rights Standards

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Abstract: *The Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985 deals with the control, regulation, and prevention of the use and trade of narcotic drugs and psychotropic substances. The Act was introduced to help India fulfil its international obligations under the United Nations conventions, including the Single Convention on Narcotic Drugs, 1961 and the UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988. The NDPS Act, 1985 has very strict provisions for reducing the drug related offences but implementation under the act has always led to several human rights issues, especially relating to the admissibility of confessional statement obtained by the officer from the accused under Section 67 of the act. This paper attempts to discuss how courts have interpreted confessional statement under NDPS act and how these interpretation affect the right to fair trial of an accused persons. This study aims to show role of judiciary in maintaining a balance between strict law enforcement and the protection of fundamental rights through important supreme court cases such as Kanhaiyalal v. Union of India (2008) 4 SCC 668 and Tofan Singh v. State of Tamil Nadu (2021) 4 SCC 1. The study examines how Judicial development paved the way for India's gradual move towards following international human rights principles such as the Article 14 - right to a fair trial under International Covenant on Civil and Political Rights (ICCPR) and the constitutional right against self-incrimination under Article 20(3) of the Indian Constitution. The paper concludes by recommending procedural reforms such as legal assistance during interrogations and judicial supervision while recording confession to ensure that the India's drug law enforcement more consistent with international human rights principles.*

Keywords: NDPS Act, Confessional Statements, Judicial Interpretation, Human Rights, ICCPR, Fair Trial, Self - Incrimination

I. INTRODUCTION

India's legal response to drug offences has undergone a major transformation with the introduction of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act). Before this legislation, India followed older colonial laws that were mainly regulatory. The NDPS Act, however, created a strict, prohibition-based framework and was enacted partly to fulfil India's obligations under major United Nations drug control conventions.¹ Although the Act strengthened drug enforcement, its rigid structure has raised concerns about procedural fairness and the rights of accused persons.

One of the most debated provisions of the Act is Section 67, which authorises officers to call for information and examine persons connected with a case.² Over time, investigative agencies began using this provision to record confession-like statements during interrogation. For several years, courts accepted such statements as admissible, and many NDPS convictions were based primarily on these custodial declarations. This practice had serious implications because the Act already contains strict presumptions under Sections 35 and 54 and imposes stringent bail conditions



under Section 37. In such an environment, a Section 67 statement often became the deciding element in determining guilt.

However, the use of custodial statements raises constitutional questions. Article 20(3) protects the right against self-incrimination, and Article 21 guarantees fair procedure.³ When individuals are questioned without legal assistance, are unaware of their rights, or face coercive interrogation, these constitutional guarantees are weakened. Several accused persons have claimed that their statements were not voluntary, which made judicial scrutiny of Section 67 inevitable.

India's international obligations also reinforce these concerns. As a party to the International Covenant on Civil and Political Rights (ICCPR), India is required to protect the presumption of innocence, ensure fair trial guarantees, and prohibit forced confessions.⁴ The United Nations Human Rights Committee has held that statements obtained without safeguards violate Article 14 of the ICCPR.⁵ This means that domestic enforcement must align not only with constitutional requirements but also with international human rights norms.

The Supreme Court's judgment in *Tofan Singh v. State of Tamil Nadu* marked a turning point by holding that NDPS officers are "police officers" for the purpose of the Evidence Act and that Section 67 statements cannot be treated as confessions.⁶ This decision reshaped the legal understanding of the provision and significantly changed how NDPS investigations must be conducted.

This paper examines the evolution of judicial interpretation of Section 67, its constitutional and human rights implications, and the extent to which India's enforcement practices align with international standards.

II. BACKGROUND OF THE NDPS ACT AND INDIA'S INTERNATIONAL OBLIGATIONS

Before the NDPS Act was enacted in 1985, India's drug laws were mainly regulatory and based on colonial statutes such as the Opium Acts of 1857 and 1878 and the Dangerous Drugs Act, 1930.⁷ These laws focused on controlling cultivation and trade and did not contain a comprehensive criminal enforcement framework. As international drug control efforts expanded during the twentieth century, India began participating more actively in global discussions, which eventually influenced the creation of a stricter domestic law.

The Single Convention on Narcotic Drugs, 1961 was a major international development that required member states to criminalize the production and distribution of narcotic drugs except for medical and scientific purposes.⁸ India's ratification of this treaty strengthened the need for a unified national law. Later, the Convention on Psychotropic Substances, 1971 extended global controls to synthetic and psychotropic drugs. The final and most influential treaty was the 1988 UN Convention Against Illicit Traffic, which required states to adopt stronger enforcement measures, cooperate internationally, and impose severe penalties for trafficking.

The NDPS Act was enacted in this backdrop. The statute moved away from earlier regulatory laws and introduced a strict prohibition model that criminalized a wide range of drug-related activities. It created uniform penalties, imposed mandatory minimum sentences, and included reverse-burden clauses under Sections 35 and

54.⁹ These provisions allow courts to presume the existence of a culpable mental state or possession once certain conditions are met. Section 37 further tightened the bail regime by requiring courts to form a belief that the accused is not guilty before granting bail. Together, these provisions made NDPS proceedings highly stringent.

Within this framework, statements recorded during investigation gained significant importance, particularly because scientific and forensic resources in many regions remained limited. Section 67 authorises officers to call for information and examine persons acquainted with the facts of the case. Although the text does not refer to confessions, enforcement agencies began using it to record written statements from accused persons. Early case law treated these statements as admissible, based on analogies drawn from the Customs Act. As a result, many NDPS prosecutions relied heavily on Section 67 statements, even when the accused later retracted them.

However, this practice raised constitutional concerns. The right against self-incrimination under Article 20(3) and the right to fair procedure under Article 21 require that any statement used against an accused must be voluntary and free from coercion.¹⁰ When statements are recorded in custody, without access to legal assistance, and without informing the accused of their right to remain silent, these protections are undermined. The Supreme Court has repeatedly held that strict laws must be applied with greater procedural care, particularly when the consequences involve long periods of imprisonment.



International human rights obligations demand similar safeguards. The ICCPR requires states to ensure fair trial rights and prohibits the use of forced confessions. Article 7 prohibits torture and coercive interrogation, while Article 14(3)(g) protects the right not to be compelled to testify against oneself. The UN Office on Drugs and Crime has also emphasised that drug enforcement must respect human dignity and due process.

In this context, judicial interpretation became crucial for balancing enforcement and rights. The Supreme Court eventually revisited the legal position in Tofan Singh, holding that NDPS officers exercise investigative functions similar to police officers and therefore fall within the bar under Section 25 of the Evidence Act. This ruling ended the long-standing practice of treating Section 67 statements as confessions and brought the NDPS regime closer to constitutional and international standards.

III. SECTION 67 NDPS ACT: LEGAL NATURE, MISUSE & CONTROVERSIES

Section 67 of the NDPS Act authorises certain empowered officers to call for information, require documents, and examine persons connected with a narcotics case.¹¹ Although this provision appears to be a routine investigative tool, it gradually came to be used for recording confession-like statements from accused persons during custodial interrogation. For many years, courts treated these statements as admissible, giving Section 67 a scope far beyond what its text suggests.¹² This practice shaped NDPS investigations and raised important questions about voluntariness, fairness, and constitutional compatibility.

3.1 Ambiguity in Section 67 and Early Judicial Assumptions

The wording of Section 67 does not indicate that it authorises confession-taking or that such statements may be used as substantive evidence. Despite this, courts drew an analogy with Section 108 of the Customs Act, which empowers customs officers to record statements during inquiry.¹³ Based on this similarity, the Supreme Court held that NDPS officers were not “police officers” for the purpose of Section 25 of the Evidence Act and therefore confessions given to them were admissible.¹⁴

However, this analogy overlooked essential differences. NDPS officers conduct full criminal investigations, carry out searches and arrests, and prosecute offenders. NDPS offences carry severe mandatory minimum sentences and strict bail conditions. Allowing confession-based convictions without procedural safeguards created a unique situation where a regulatory-style provision was being used within a stringent criminal framework. This made Section 67 vulnerable to misuse and placed accused persons in a disadvantaged position from the beginning of the investigation.

3.2 Misuse of Section 67 Statements in Practice

Several cases and human rights reports revealed that Section 67 was frequently used to obtain statements under conditions that raised doubts about voluntariness.¹⁵ Accused persons often claimed that they were questioned for long hours, kept in custody without legal representation, and pressured or threatened into signing written statements. Because the NDPS Act places strict presumptions on the accused and bail is extremely difficult, many individuals felt compelled to cooperate even when they were unaware of their rights.

Prior to Tofan Singh, these Section 67 statements were often treated as the primary, and sometimes the only, evidence in NDPS prosecutions. In the absence of strong forensic capacity, reliance on written statements became routine. This created systemic concerns because relying heavily on custodial statements is inconsistent with fair trial standards under both the Constitution and international law.¹⁶

3.3 Constitutional Issues: Articles 20(3) and 21

Using Section 67 statements as confessions conflicted with the constitutional protection against self-incrimination under Article 20(3) and the guarantee of fair procedure under Article 21. When an accused is questioned without being informed of the right to silence, or when legal assistance is not available, any resulting statement risks being involuntary. The Supreme Court in *Nandini Satpathy v. P.L. Dani* held that no person can be compelled to answer questions that may expose them to criminal liability.¹⁷ NDPS interrogations conducted through Section 67 often failed to meet this standard, making judicial re-evaluation inevitable.



3.4 Pre-Tofan Singh: Courts Treated Section 67 Statements as Confessions

The Supreme Court's decision in *Kanhaiyalal v. Union of India* confirmed the admissibility of Section 67 statements by reaffirming that NDPS officers are not police officers under the Evidence Act. As a result, convictions based solely on Section 67 statements became common. Corroboration was rarely insisted upon, even in cases where the accused retracted their statements. This approach weakened the presumption of innocence and allowed custodial statements to become a substitute for proper investigation.

3.5 Turning Point: Tofan Singh v. State of Tamil Nadu

The legal position changed significantly in *Tofan Singh*, where a three-judge bench held that NDPS officers exercise investigative powers similar to police and must therefore be treated as "police officers" for the purpose of Section 25 of the Evidence Act. The Court held that:

Section 67 statements cannot be treated as confessions, and such statements cannot be the sole basis for conviction without independent evidence.

This judgment finally corrected the long-standing anomaly and brought NDPS investigations in line with constitutional protections.

3.6 Remaining Challenges

Although *Tofan Singh* settled the law, challenges continue at the enforcement level. Many accused persons still report pressure during interrogation, and officers sometimes record statements even though they are no longer admissible as confessions. The gap between legal standards and investigative practice remains a concern, especially in areas lacking forensic support. Courts have repeatedly emphasised that the strictness of NDPS penalties requires equally strict procedural safeguards.

3.7 Need for Legislative Clarity

Section 67 remains unamended, and its broad language continues to create confusion. Unlike jurisdictions such as the United Kingdom or Canada, which provide clear statutory guidelines on custodial statements, the NDPS Act does not distinguish between inquiry, interrogation, and admissible confessions. A legislative amendment limiting Section 67 to non-custodial inquiry and clarifying its scope would help prevent further misuse and strengthen procedural fairness.

IV. CONSTITUTIONAL ANALYSIS (ART. 20(3) & ART. 21)

The constitutional guarantees under Articles 20(3) and 21 play a central role in evaluating the legality and fairness of confessional statements recorded under Section 67 of the NDPS Act. These guarantees form part of India's fundamental rights framework and ensure that criminal investigations do not compromise the dignity, autonomy, or liberty of individuals. Any use of custodial statements that undermines voluntariness or procedural fairness must therefore be examined against these constitutional protections.

4.1 Article 20(3): Protection Against Self-Incrimination

Article 20(3) states that no person accused of an offence shall be compelled to be a witness against themselves.¹⁸ This guarantee is based on the principle that criminal liability must be established by the prosecution and not through forced admissions. The Supreme Court has consistently held that the right against self-incrimination includes the right to remain silent and the right not to answer questions that may expose an accused person to criminal charges. In *Nandini Satpathy v. P.L. Dani*, the Court emphasised that any form of pressure—physical, mental, or psychological—violates Article 20(3).

Section 67 statements recorded in custodial settings often raised doubts about whether the accused had given them voluntarily or under compulsion. Since NDPS investigations frequently involve long interrogations, lack of legal assistance, and strict statutory presumptions, the risk of compelled statements is significant. Treating such statements as confessions, as earlier courts did, created direct conflict with the constitutional protection against self-incrimination.



4.2 Article 21: Fair Procedure and Due Process

Article 21 guarantees that no person shall be deprived of life or personal liberty except according to a fair, just, and reasonable procedure.¹⁹ This guarantee covers all aspects of criminal proceedings, including investigation, interrogation, arrest, and trial. The Supreme Court has held in several cases that “fair procedure” includes access to legal representation, protection from coercive methods, and adequate safeguards during interrogation.²⁰

In the context of NDPS cases, the importance of Article 21 becomes even greater because of the strict punishments and limited bail provisions. Any statement recorded without informing the accused of their rights or without ensuring their mental and physical safety undermines the requirement of procedural fairness. When Section 67 statements were admitted as confessions without judicial oversight, the process failed to meet the standards of fairness required under Article 21.

4.3 Interaction Between Articles 20(3), 21, and the NDPS Regime

The combined effect of Articles 20(3) and 21 establishes a strong constitutional threshold for the admissibility of confessional statements. A confession must be voluntary, recorded with full awareness of rights, and free from any form of inducement or threat. The NDPS Act, because of its strict nature, requires even more careful application of constitutional safeguards. The Supreme Court has repeatedly stated that when a criminal statute is extremely severe, courts must insist on strict compliance with procedural protections.²¹

Before *Tofan Singh*, the acceptance of Section 67 statements as confessions lowered these constitutional safeguards. Because NDPS officers had no obligation to caution accused persons or to provide access to counsel, the voluntariness of statements remained questionable. The lack of statutory safeguards also meant that accused persons had no meaningful protection during interrogation.

4.4 Constitutional Significance of Tofan Singh

The Supreme Court’s judgment in *Tofan Singh v. State of Tamil Nadu* restored the constitutional balance by holding that NDPS officers must be treated as “police officers” for the purpose of the Evidence Act. Since confessions made to police are inadmissible under Section 25, the Court’s ruling ensured that Section 67 statements could no longer be treated as confessions. This removed the possibility of using compelled custodial statements as substantive evidence and aligned NDPS investigations with Articles 20(3) and 21.

The judgment reaffirmed the principle that strict criminal laws cannot bypass the fundamental rights of accused persons. By insisting on voluntariness and excluding custodial confessions, the Court strengthened constitutional protections in NDPS proceedings.

V. INTERNATIONAL HUMAN RIGHTS STANDARDS (ICCPR, UNODC, UNODC GUIDANCE)

India’s obligations under international human rights law play an important role in assessing how confessional statements under the NDPS Act should be treated. Since the NDPS Act is closely tied to India’s commitments under the UN drug control treaties, its enforcement must also remain compatible with the broader human rights framework established under international law. The two key instruments relevant to this discussion are the International Covenant on Civil and Political Rights (ICCPR) and the standards developed by the United Nations Office on Drugs and Crime (UNODC). Together, they articulate how drug control measures must operate without compromising fundamental rights, particularly the rights of accused persons during custodial interrogation

5.1 Fair Trial Guarantees Under the ICCPR

India has been a State Party to the ICCPR since 1979.²² Article 14 of the ICCPR guarantees the right to a fair and public hearing, the right to be presumed innocent, and the right against self-incrimination. These are essential safeguards in any criminal justice system, and are particularly important in jurisdictions like India, where drug offences carry severe sentences and strict evidentiary presumptions.



The Human Rights Committee, in General Comment No. 32, has clarified that forcing an accused person to give statements, or creating a situation where they feel compelled to speak, violates Article 14(3)(g).²³ When confessional statements are obtained without counsel, without caution, or in custodial environments, they become incompatible with the guarantee of a fair trial. Earlier practice under Section 67 of the NDPS Act, where statements were treated as confessions, clearly conflicted with this standard. The lack of procedural safeguards and judicial oversight increased the risk of involuntary statements being used to secure convictions.

5.2 Prohibition of Torture and Coercion: Article 7 ICCPR

Article 7 of the ICCPR categorically prohibits torture, cruel, inhuman, or degrading treatment.²⁴ This includes not only physical abuse but also psychological pressure, intimidation, threats, or prolonged custody without access to legal assistance. The Human Rights Committee has repeatedly held that any confession obtained through coercive interrogation is inadmissible, even if there is no direct evidence of physical harm.²⁵

Given the strict nature of the NDPS Act, the possibility of coercive interrogation becomes significant. Many accused persons in NDPS cases come from vulnerable social and economic backgrounds, making them more susceptible to custodial pressure. International standards therefore demand that confessions be recorded only in conditions that guarantee voluntariness, transparency, and protection against abuse. The earlier judicial acceptance of Section 67 statements as confessions did not meet this standard.

5.3 UNODC and Rights-Based Drug Enforcement

The United Nations Office on Drugs and Crime (UNODC), which oversees global drug control policy, has consistently emphasized that drug enforcement must comply with human rights obligations.²⁶ UNODC's guidance highlights that investigative powers under drug laws should not result in arbitrary detention, forced confessions, or denial of due process.²⁷ It also stresses that criminal penalties under drug laws must be proportionate and implemented through procedures that ensure fairness.

UNODC has clarified that coercive methods of investigation not only violate human rights but also undermine the credibility of the criminal justice system. Rights-based investigation practices improve the quality of evidence and reduce the risk of wrongful convictions.²⁸ This global understanding supports the reasoning adopted by the Supreme Court in *Tofan Singh*, where the Court stressed the need for procedural fairness despite the strict nature of the NDPS Act.

5.4 International Best Practices on Confessional Statements

Several jurisdictions with strong drug enforcement laws follow structured procedures for recording confessions to ensure fairness. For instance, the United Kingdom requires that any statement made during police interrogation must be audio- or video-recorded, and legal counsel must be available to the accused.²⁹ Canada similarly mandates cautioning the accused and ensuring that they fully understand the consequences of their statements.³⁰ These practices reflect a global commitment to voluntariness and due process. In contrast, the earlier practice under Section 67 lacked these safeguards, creating the risk of involuntary statements being relied on as substantive evidence.

5.5 Aligning Domestic Enforcement with Human Rights Commitments

India's legal system recognizes that international treaties, particularly the ICCPR, strengthen constitutional guarantees under Articles 20(3) and 21. By excluding Section 67 confessions, the Supreme Court in *Tofan Singh* aligned NDPS enforcement with global fair-trial standards. However, practical challenges remain, particularly in ensuring informed consent, access to legal counsel, and transparent investigative methods.

VI. COMPARATIVE ANALYSIS: CONFESSIONAL STATEMENTS IN OTHER JURISDICTIONS

A comparative study helps illustrate how different legal systems balance effective drug enforcement with fair-trial rights. While India's NDPS Act is one of the strictest drug control laws in the world, several countries address similar challenges by embedding clear procedural safeguards in their criminal justice processes. These safeguards focus largely



on voluntariness, legal assistance, and judicial oversight—areas where the earlier interpretation of Section 67 of the NDPS Act was comparatively weak. Examining jurisdictions such as the United Kingdom, the United States, Singapore, and Canada helps situate India's approach within a broader international context.

6.1 United Kingdom: Procedural Safeguards Under the Police and Criminal Evidence Act (PACE)

The United Kingdom follows a structured and rights-based approach to custodial interrogation under the Police and Criminal Evidence Act, 1984 (PACE). PACE requires that any interview of a suspect must be audio- or video-recorded and conducted according to the Codes of Practice.³¹ A suspect must be informed of the right to remain silent and the right to consult a solicitor. If these rights are violated, any confession is excluded under Section 76 of PACE.

UK drug laws, including the Misuse of Drugs Act, 1971, impose serious penalties, yet the evidentiary framework remains firmly grounded in voluntariness. Confessions obtained through coercion, inducement, or absence of counsel are inadmissible. This prevents investigative shortcuts and ensures that convictions depend on reliable evidence. Unlike earlier Indian practice under Section 67, UK officers cannot rely solely on statements taken during custodial interrogation.

6.2 United States: Miranda Rights and Due Process Protections

The United States adopts a strong constitutional approach to custodial statements. Under the *Miranda v. Arizona* ruling, law enforcement must inform suspects of their right to silence and right to legal counsel before interrogation begins.³² Any confession obtained without this warning is inadmissible. The U.S. Supreme Court has repeatedly held that voluntariness is the core test for admissibility, and any coercion—physical or psychological—invalidates the statement.³³

In drug-related offences under the Controlled Substances Act, confessions play a role, but they are carefully scrutinized. Courts require corroboration and closely examine the circumstances of interrogation. Unlike pre-Tofan Singh India, U.S. law does not allow convictions based solely on statements made to investigative officers without proper constitutional safeguards.

6.3 Canada: Right to Counsel and Strict Exclusionary Rules

Canada follows a rights-centred model under the Charter of Rights and Freedoms. Section 10(b) guarantees that every detained person must be informed of the right to legal counsel and must be provided an opportunity to consult a lawyer without delay.³⁴ Confessions obtained in violation of these rights are excluded under Section 24(2) of the Charter.

Canadian courts also require proof that the accused understood the nature of their rights and that any waiver was informed and voluntary. This ensures that custodial statements reflect free choice rather than pressure. In drug investigations, the Royal Canadian Mounted Police routinely follow these safeguards. The strict standards of voluntariness and exclusion in Canada contrast sharply with the earlier acceptance of Section 67 confessions despite custodial settings.

6.4 Singapore: Strict Drug Laws but Clear Statement Procedures

Singapore is known for extremely harsh penalties under the Misuse of Drugs Act, including mandatory minimum sentences and, in some cases, capital punishment.³⁵ Despite this strictness, Singapore's procedural system includes clear regulations for recording statements. Under Sections 22 and 23 of the Criminal Procedure Code, any statement must be voluntary, and the accused must be cautioned before a confession is recorded.³⁶

Courts in Singapore carefully examine allegations of coercion, and detectives follow standardized procedures to document the voluntariness of statements. Although Singapore's drug penalties may be more severe than India's, its structured interrogation framework provides clearer protections than those historically associated with Section 67 of the NDPS Act.



VII. FINDINGS AND ANALYSIS

The study shows that the treatment of confessional statements under Section 67 of the NDPS Act evolved through a long phase of uncertainty. Earlier, courts treated NDPS officers as distinct from police officers, which allowed statements recorded during interrogation to be used as substantive evidence. This approach became problematic because the NDPS Act contains strict presumptions, heavy penalties, and limited bail provisions. When a law already places a higher burden on accused persons, relying on custodial statements without proper safeguards seriously affects fairness. Many cases were built primarily on these statements, even though they were often recorded in custodial settings without caution or legal assistance.

The decision in Tofan Singh changed this position by holding that NDPS officers are “police officers” and therefore any statement made to them is inadmissible. This restored constitutional protections under Articles 20(3) and 21, and aligned domestic law with global fair-trial standards. The judgment also emphasized that criminal convictions must rest on independent and reliable evidence, not on statements obtained during interrogation.

The comparative study reveals that other jurisdictions with strong drug laws—such as the UK, USA, Canada, and Singapore require legal warnings, access to counsel, and structured procedures for recording statements. These systems show that strict drug enforcement can operate alongside clear human rights protections. India still lacks statutory safeguards of this kind, which means the impact of Tofan Singh depends heavily on how enforcement agencies implement it in practice.

VIII. CONCLUSION

The examination of Section 67 of the NDPS Act shows that the earlier reliance on custodial confessions created serious concerns for fair-trial rights and procedural fairness. The NDPS Act already places a heavy burden on accused persons through strict presumptions and limited bail, and admitting statements recorded without safeguards made the process even more vulnerable to misuse. The Supreme Court’s ruling in Tofan Singh marked an important corrective by holding that NDPS officers are “police officers” and that confessions made to them are inadmissible. This decision strengthens constitutional guarantees under Articles 20(3) and 21 and brings India closer to international standards under the ICCPR, which stress voluntariness and protection against coercion.

While the judgment improves legal clarity, practical reforms—such as access to counsel, proper recording of interrogations, and clear statutory procedures—are still required. Ensuring these protections will help India achieve effective drug control without compromising fundamental rights.

FOOTNOTES

1 See Single Convention on Narcotic Drugs, Mar. 30, 1961, 520 U.N.T.S. 151; Convention on Psychotropic Substances, Feb. 21, 1971, 1019 U.N.T.S. 175; United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Dec. 20, 1988, 1582 U.N.T.S. 95

2 Narcotic Drugs and Psychotropic Substances Act, No. 61 of 1985, § 67 (India)

3 INDIA CONST. arts. 20(3), 21

4 International Covenant on Civil and Political Rights arts. 7, 14, Dec. 16, 1966, 999 U.N.T.S. 171

5 Human Rights Comm., General Comment No. 32, U.N. Doc. CCPR/C/GC/32 (2007)

6 Tofan Singh v. State of Tamil Nadu, (2021) 4 S.C.C. 1 (India)

7 See The Opium Act, 1857, No. 13 of 1857 (India); The Opium Act, 1878, No. 1 of 1878 (India); The Dangerous Drugs Act, 1930, No. 2 of 1930 (India)

8 Single Convention on Narcotic Drugs, Mar. 30, 1961, 520 U.N.T.S. 151

9 Narcotic Drugs and Psychotropic Substances Act, No. 61 of 1985, §§ 35, 54 (India)

10 INDIA CONST. arts. 20(3), 21

12 Kanhaiyalal v. Union of India, (2008) 4 S.C.C. 668

13 Customs Act, No. 52 of 1962, § 108 (India)

14 Indian Evidence Act, 1872, § 25; Kanhaiyalal, (2008) 4 S.C.C. at 676



- 15 Human Rights Watch, Demeaning, Degrading, and Dangerous: Human Rights Violations under India's Drug Control Regime (2019)
- 16 International Covenant on Civil and Political Rights art. 14, Dec. 16, 1966, 999 U.N.T.S. 171
- 17 Nandini Satpathy v. P.L. Dani, (1978) 2 S.C.C. 424
- 18 INDIA CONST. art. 20(3)
- 19 NDIA CONST. art. 21
- 20 Maneka Gandhi v. Union of India, (1978) 1 S.C.C. 248
- 21 State of Punjab v. Baldev Singh, (1999) 6 S.C.C. 172
- 22 International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171 (India ratified on Mar. 27, 1979)
- 23 Human Rights Committee, General Comment No. 32, U.N. Doc. CCPR/C/GC/32 (2007)
- 24 ICCPR art. 7, 999 U.N.T.S. 171
- 25 Human Rights Committee, Vuolanne v. Finland, Commc'n No. 265/1987, U.N. Doc. CCPR/C/35/D/265/1987 (1989)
- 26 United Nations Office on Drugs & Crime, Drug Control, Crime Prevention and Human Rights: A Human Rights Perspective on Drug Control (2010)
- 27 UNODC, International Standards on Drug Use Prevention (2013)
- 28 UNODC, Handbook on Criminal Justice Responses to Drug Trafficking (2011)
- 29 Police and Criminal Evidence Act 1984 (PACE), Code C: Requirements for Recording Interviews (U.K.)
- 30 R. v. Oickle, [2000] 2 S.C.R. 3 (Can.)
- 31 Police and Criminal Evidence Act 1984, c. 60 (UK), Code C: Requirements for the Detention, Treatment and Questioning of Persons by Police Officers
- 32 Miranda v. Arizona, 384 U.S. 436 (1966)
- 33 Colorado v. Connelly, 479 U.S. 157 (1986)
- 34 Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982, § 10(b)
- 35 Misuse of Drugs Act 1973, §§ 5–33 (Sing.)
- 36 Criminal Procedure Code 2010, §§ 22–23 (Sing.)

REFERENCES

1. Narcotic Drugs and Psychotropic Substances Act, No. 61 of 1985, INDIA CODE.
2. Indian Evidence Act, No. 1 of 1872, INDIA CODE.
3. International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171.
4. Single Convention on Narcotic Drugs, Mar. 30, 1961, 520 U.N.T.S. 151.
5. U.N. Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Dec. 20, 1988, 1582 U.N.T.S. 95.
6. Tofan Singh v. State of Tamil Nadu, (2021) 4 SCC 1.
7. Kanhaiyalal v. Union of India, (2008) 4 SCC 668.
8. Nandini Satpathy v. P.L. Dani, (1978) 2 SCC 424.
9. State of Punjab v. Baldev Singh, (1999) 6 SCC 172.
10. Miranda v. Arizona, 384 U.S. 436 (1966).
11. Human Rights Committee, General Comment No. 32, U.N. Doc. CCPR/C/GC/32 (2007).
12. United Nations Office on Drugs and Crime, Drug Control, Human Rights and International Standards: Guidance for Policymakers (2012).
13. Kumar, Law Relating to Narcotic Drugs & Psychotropic Substances (Universal Law Publishing 2018).
14. Paul Roberts & Jill Hunter, Criminal Evidence and Human Rights (Hart Publishing 2012).
15. Varshini R. K. & Yuvalakshmi T., Silent Testimony: Facial Recognition and the Right Against Self-Incrimination in India, 9 Indian J. L. & Legal Research IJLLR 145 (2025).



16. Shanmuga Sundaram & P.R.L. Rajavenkatesan, Protection Against Self- Incrimination – Principles and Practice: A Comparative Analysis, 13 Indian J. of L. & Justice 283 (2022)
17. Prashant Subhash Arbune, Analysis of Confessional Statements Under NDPS Act, 14 Int'l J. Early Childhood Special Educ. 2124 (2022)

