Forensic Science and Indian Constitution

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***Abstract*—This document examines the convergence of forensic science and constitutional law within Indian judicial system, highlighting the influence of constitutional tenets on the legal and ethical use of forensic methods. It tests the important constitutional sections, such as Article 20(3)[1] which safeguards to prevent accusation of oneself and Article 21[2] which ensures right to privacy and safeguarding from torture, as vital safeguards in criminal investigations[3]. Landmark citation such as '*K.S. Puttaswamy vs. Union of India*'[4] and '*Selvi vs. State of Karnataka*'[5] and are examples of judicial interpretations that have bolstered the fundamental rights when the ethical issues and admissibility of upgraded and updated forensic methods such as narco-analysis, polygraph examinations, and DNA Test. The text underlines the need to make sure forensic evidence meets constitutional criteria so that fairness and human dignity are upheld, particularly when considering technological advances. It also considers the limitations of balancing the requirement for effective evidence sourcing against one's liberties, informed consent, stressing the signifinace of judicial oversight, and strict compliance to legal and moral norms.[6] By combining forensic procedures with constitutional safeguards to ensure justice is empirically sound and legally compliant, the criminal justice framework may improve its legitimacy and effectiveness. The study ends with a recommendation that legal frameworks be continually modified to remedy their flaws and encourage the responsible application of forensic science in a manner compatible with constitutional ideals.**

***Index Terms*—Forensic Science, Indian Constitution, Personal Liberty, Fundamental Rights, Right to Privacy etc.**

I. INTRODUCTION

From the dawn of human civilisation, criminal activity has persisted, and with the progression of societies, the need for legislation to safeguard the rights and well-being of every person has also developed. To maintain societal order, ancient civilisations instituted essential regulations that were imposed on transgressors to safeguard the community. Consequently, entities dedicated to performing criminal enquiries and ensuring appropriate justice were ultimately formed. Eyewitness accounts were often essential to the administration of justice historically. Nonetheless, observers were not consistently reliable. They could be compelled to fabricate information or influenced by inducements or intimidation, complicating the determination of the truth. Detectives sometimes used harsh methods to get confessions. As civilisation progressed, individuals saw that the said practice was inhumane and on few occasions the innocent were sanctioned.

The term "forensic" has come from the Latin term forensis, which has inherent meaning to "pertaining to the court of law".[7] Scientific techniques are used by Forensic science to tackle complicated questions in legal contexts and maintain justice. This integrates the knowledge of legal and scientists' experts, making it efficient and trustworthy in legal proceedings.

The inclusion of forensic science in the criminal judicial system has contributed immensely in assisting the work of the judicial authorities in rendering justice. It is arguably the sole discipline that produces reports and other evidence that are extremely precise and almost free from contradictions in their findings. It is

[1] (Basu, 2026)
[2] (Basu, 2026)
[3] (Basu, 2026)
[4] (AIR 2018 SC (SUPP) 1841, 2019 (1) SCC 1, (2018) 12 SCALE 1, n.d.)
[5] (AIR 2010 SUPREME COURT 1974, n.d.)
[6] (Basu, 2026)
[7] (Mehra, 2025)

based on the scientific approach; therefore, results are universal and cannot be distorted or fabricated. This is why forensic science is employed.[8]

II. CONTEMPORARY PARADIGM OF FORENSIC JUSTICE

Testimonies in lawful procedures generally have been impacted by elements including duress, anxiety, fallible memories, and biases, leading to unjust outcomes. Accounts from observers, crucial in legal proceedings, may be able to be influenced by sometimes personal grudges or biases, resulting in erroneous convictions. Conversely, forensic evidence offers sound and unbiased evidence for investigations, using solid facts to reveal the truth.[9] Nevertheless, forensic justice has limitations, especially in our country, where scarcity of resources, and a lack of comprehension within the criminal court system may lead to delays and inefficiencies. Despite significant advancements in forensic science, substantial obstacles remain.

India has taken efforts to recognise the value of forensic testimony in the criminal justice system.[10] The Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023[11] and the Bharatiya Sakshya Adhiniyam (BSA) 2023[12] are legislative endeavours that highlight the attempt to better forensic procedures. These rules demand the cooperation of forensic experts in the search for evidence in crime scenes, especially in the case of serious offences with severe penalties. Additional resources have been provided by the government to upgrade the infrastructure and capacities of forensic laboratories to reduce delays in forensic examination. These measures are designed to expedite the collection and review of evidence, and thereby increase the whole efficacy of court framework.[13]

III. CONSTITUTIONAL DOCTRINES & THEIR CONSEQUENCES FOR FORENSIC SCIENCE

The interplay between forensic science and constitution is an essential element of the judicial system. Forensic science, using scientific methodologies to examine criminal activities, is essential for ascertaining truths and assessing culpability or exoneration. Nonetheless, its implementation must conform to constitutional tenets to safeguard essential rights, guaranteeing that scientific techniques do not violate personal liberties. The Constitution is the main source for the legal framework of India. It governs the collection and use of forensic evidence and also protects the rights of individuals throughout criminal investigation and trials. The Indian Constitution is the ultimate legal document that lays forth the rights and obligations that preserve personal liberty. The inclusion of forensic science in the criminal justice system and judicial procedures is managed by these constitutional protections, which have an impact on the area of forensic science. It is thus necessary for the forensic science that is utilised in law enforcement to be in accordance with these safeguards. This will guarantee that the procedures that are utilised are both scientifically valid and legally permissible.

IV. REGULATORY FRAMEWORKS INFLUENCING FORENSIC SCIENCE PRACTICES

- ARTICLE 20(3)[14]: The privilege not to testify against oneself is provided in Article 20(3)[15] of the country's Constitution which says that no person charged should be forced to be a testify against oneself.[16] Consequently, it resembles a kind of immunity granted to the defendant. This entitlement is founded on a lawful principle, 'Nemo tenetaur se ipsum accusare,' signifying that no individual is compelled to self-incriminate.

No individual who is suspected of committing any crime shall be compelled to testify against themselves, as stated in Article 20(3)[17] of country's Constitution, which ensures a person's right to incriminate themselves.[18] This safeguard guarantees an equitable trial and inhibits duress during criminal investigations. Self-incrimination occurs when a defendant makes declarations, admissions, or engages in conduct that may establish their culpability. The defendant is

[8] (Nayyar, 2025)
[9] (Nayyar, 2025)
[10] (Badgaiyan, 2026)
[11] (Pandey, 2026)
[12] (Sarkar, n.d.)
[13] (Prasad, 2025)
[14] (Basu, 2026)
[15] (Basu, 2026)
[16] (Badgaiyan, 2026)
[17] (Basu, 2026)
[18] (Badgaiyan, 2026)

considered innocent unless shown otherwise, with the onus of evidence resting on the prosecution. This privilege encompasses the right to maintain silence, so prohibiting the government from using force or compulsion to elicit remarks that may incriminate the defendant.

Numerous enquiries emerge concerning forensic evidence and its potential conflict with Article 20(3); consequently, the court in '*The State of Bombay vs. Kathi Kalu Oghad and Others*'[19] determined that if an offender submits a blood, hair, specimen signature, semen, and thumbprint, they do not qualify as a "witness" as defined in the article. Consequently, the perpetrator is unable to contest the DNA analysis conducted for the purposes of prosecution and inquiry.

Moreover, a discussion emerged over narco-analysis. In narco-analysis, the investigator seeks to get a statement from an individual in a semi-conscious condition, allowing that statement to serve as evidence. Although this process raises specific enquiries about legal and ethical considerations. This approach to forensic science was thus seen as a breach of Article 20 (3). Consequently, in case of '*Ramchandra Reddy and Ors. vs. State of Maharashtra'*[20], the Bombay HC has validated the legitimacy of using narco-analysis, brain fingerprinting, or truth serum and polygraph examinations.

In the case of '*Nandini Satpathy vs. P.L. Dani'*[21], the ruling reaffirmed the doctrine that individuals cannot be coerced into responding to enquiries or supplying information that might implicate them. It advocated a wide reading of Article 20(3)[22] that protected the suspect to prevent incrimination of oneself, a critical precaution when forensic technologies such as polygraph or blood tests are used.

In the matter of '*V S Kuttan Pillai vs. Ramakrishnan and Anr.'*[23], The Court held that prosecution must have a warrant before it may search or seize the documents of the accused. It emphasised the need to observe due process in protecting the interests of the accused.

Nonetheless, if the defendant willingly relinquishes their right to silence and provides a statement or confession freely and without coercion, such declarations may be admissible as evidence in court. This emphasises that any evidence acquired from the defendant must adhere to the legal parameters of permission, safeguarding their essential rights under Article 20(3).[24]

These principles are very important in forensic science during the collecting of proof from the suspect. These methods of polygraph test, narco-analysis, brain-mapping, which try to extract data from the suspect have been investigated within the ambit of Article 20(3) since they may compel the suspect to provide evidence against himself/herself. In the pivotal decision of '*Selvi vs. State of Karnataka'*[25], The Court found that such techniques breach Article 20(3)[26] unless voluntary authorisation is given and therefore increased the constitutional protection against coerced self-incrimination.

The ruling exemplifies how the court really serves as the protector of the basic rights of individuals enshrined in the constitution. The entitlements of the accused hold significance as the Indian criminal justice framework operates on the tenet of 'innocent until proven guilty'[27]. In trial and investigation, a narrative is built up against the suspected and accused persons. Law enforcement utilise their power and all available resources to prove the allegations against accused and disprove the accused. Article 20(3)[28] protects the defendant against such exploitation. By bringing narcoanalysis tests, polygraph testing, and BEAP tests inside the purview of Article 20(3)[29] of the Constitution, the court's order today enhanced the rights and privileges of the accused. These tests were of an uncommon type and this led to questions about their legality as an investigative tool. The Supreme Court emphasised that securing

[19] (1961 AIR 1808, 1962 SCR (3) 10, AIR 1961 SUPREME COURT 1808, n.d.)
[20] (Ramchandra Ram Reddy vs The State Of Maharashtra [Alongwith ... on 5 March, 2004, n.d.)
[21] (1978 AIR 1025, 1978 SCR (3) 608, AIR 1978 SUPREME COURT 1025, n.d.)
[22] (Badgaiyan, 2026)
[23] (1980 AIR 185, 1980 SCR (1) 673, AIR 1980 SUPREME COURT 185, n.d.)
[24] (Basu, 2026)
[25] (AIR 2010 SUPREME COURT 1974, 2010 (7) SCC 263, n.d.)
[26] (Basu, 2026)
[27] (Nayyar, 2025)
[28] (Basu, 2026)
[29] (Basu, 2026)

psychological answers without the agreement of the accused violated Article 20(3) of the Constitution[30].

In the case of '*Dinesh Dalmia vs. State*'[31], the Madras HC determined that compelling an accused individual to participate in narco-analysis does not equate to coerced evidence.[32]

Consequently, the relationship between Article 20(3) and forensic science pertains to safeguarding the accused's right to silence and preventing coercion into self-incrimination. The forensic science is to work within the limits of the Constitution, preserving the dignity, liberty and legal safeguards of the suspect, while helping in the search for fact.

- ARTICLE 21 RIGHT TO PRIVACY[33]: As per Article 21[34] of country's Constitution, the Right to Privacy is a basic right[35], specifically acknowledged in the pivotal ruling of '*K.S. Puttaswamy vs. Union of India*'[36]. This entitlement guarantees that people may retain authority over their private data and shields them against capricious encroachments by the government or others. In the realm of forensic science, this privilege assumes paramount significance when biological specimens or personal information are at stake, particularly in fingerprint analysis, DNA examination, or biometric recognition.

Forensic science is a significant part of the criminal justice system, but it also often requires collecting personally identifiable information, such as biological samples, facial recognition or fingerprints data. If not meticulously controlled, the use of these techniques might jeopardise a person's privacy. The gathering of DNA samples for forensic applications prompts apprehensions over the possible exploitation or illicit retention of this information. Inadequate handling of forensic data, such as storing DNA profiles in unregulated repositories, may lead to breaches of privacy and the potential for abuse, includes the use of genetic data in non-legal circumstances.

The Puttaswamy decision developed a "triple test" for any limitations on privacy: This must be lawful, essential, and commensurate. This examination pertains specifically to forensic science, mandating that every forensic action that encroaches on human privacy must be substantiated by a valid objective, such crime resolution, and executed using the least invasive methods possible. For instance, the acquisition of DNA must occur with informed permission, and its preservation should be governed to avoid unauthorised access.

One more significant case is '*R. Rajagopal vs. State of Tamil Nadu*'[37]. This case is significant since it recognised the Right to Privacy[38] as a constitutional entitlement, influencing forensic science in relation to the acquisition of individual data, such as images, audio recordings, and other biometric markers. This resolution emphasised the requirement for privacy protections during forensic operations.

In '*B. K. Pavitra vs. Union of India*'[39], The emphasis was on the Right to Privacy[40] concerning the state's acquisition of biometric information. The SC has said that the Aadhaar program for gathering of biometric data should be implemented with protections for personal privacy. The ruling has clear impacts for the use of genetic data or biometric for forensic research, ensuring that the data is gathered with permission, and that it is secured from exploitation.

The matter of '*Shiv Kumar Yadav vs. State (NCT of Delhi)*'[41] pertained to the use of DNA analysis in criminal proceedings. The courts have accepted that DNA evidence may be used in court, but the amalgamation and analysis of the evidence has to follow stringent criteria so as not to make mistakes or contamination. This case creates an important precedent as to the implementation of modern forensic procedures and their constitutionality.

These cases highlight the significance of forensic science in upholding constitutional safeguards to ensure fairness and justice in legal proceedings.

- RIGHTS TO BE FREE FROM TORTURE: India has enacted laws to ensure that the collection of forensic evidence is done in an ethical manner and in

[30] (Basu, 2026)
[31] (2006CRILJ2401, 2006 CRI. L. J. 2401, 2006 (3) AJHAR (NOC) 913 (MAD), n.d.)
[32] (Badgaiyan, 2026)
[33] (Basu, 2026)
[34] (Basu, 2026)
[35] (Basu, 2026)
[36] (AIR 2018 SC (SUPP) 1841, 2019 (1) SCC 1, (2018) 12 SCALE 1, n.d.)
[37] (995 AIR 264, 1994 SCC (6) 632, AIR 1995 SUPREME COURT 264, n.d.)
[38] (Basu, 2026)
[39] (AIR 2019 SUPREME COURT 2723, n.d.)
[40] (D.K. Basu vs State of West Bengal December 18, 1996, n.d.)
[41] (CRL.A. 471/2016 IN THE HIGH COURT OF DELHI AT NEW DELHI, n.d.)

conformity with the constitutional rights of the people. 'There is no mention of "torture" in the Constitution of India, the ban of torture is implied from Article 21, which ensures personal liberty, and right to life. The Court has always read Article 21 as incorporate protections against torture in both the prison and non-prison set-ups. Article 20(3) also provides protection for an individual from being compelled to provide evidence against himself, providing protections against self-incriminating admissions collected under duress or torture.'[42].

Article 21 assures the right to liberty and life of a person to protect himself against torture or treatment that is embarrasing and cruel.[43] Article 20(3) also protects to prevent incrimination of oneself, stating that no person shall be forced to provide testimony against oneself or to give evidence under torture or coercion.[44] These constitutional safeguards form the basis of the country's legal system and ensure which no evidence gained via coercion or torture is admissible throughout the course of judicial proceedings.

Further, collection and acceptance of forensic evidence are governed by provisions in the Bharatiya Sakshya Adhiniyam (BSA) 2023[45] and the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023[46]. Section 51 & 52 of the BNSS enables the police to source biological specimens such as hair, blood, and saliva for forensic analysis, nevertheless, only with the approval of the suspect or with an order from a judge. Section 183 of the BNSS requires that any confession made while in police custody should be placed before a court, to find out if it was made voluntarily and not under duress.

Notwithstanding the current legislative safeguards, achieving an appropriate equilibrium between forensic science and human rights continues to be difficult. Improper use of forensic methods, forced admissions of guilt, or evidence obtained via coercion may undermine the judicial system, resulting in erroneous convictions or the exoneration of culpable parties. Consequently, rigorous compliance with legal protections is crucial to shield persons from torture while maintaining the integrity of forensic science in the pursuit of justice.

DNA testing, polygraph testing, fingerprinting, and toxicological testing are methods critical for gathering objective evidence to ensure justice is served. But these approaches should be employed in a system that respects the basic rights of the defendant. Forensic evidence is important in telling the truth and giving fair trials but it should not be obtained in violation of the right to freedom from torture. Forensic evidence is crucial for establishing information and ensuring fair trials but the ways to get such evidence cannot infringe the right to be free from cruelty.

Although the treaty is not signed, Indian domestic legislation and judicial pronouncements show a commitment to fighting torture and preserving human rights.

The critical need of harmonising human rights with forensic science, notably in protecting people from torture and ensuring voluntary sourcing of evidence, has been highlighted in many landmark court judgements in India. Such decisions have radically altered the legal landscape, devising procedures to control the use of forensic science to criminal probes.

V. PROMINENT JUDICIAL PRECEDENTS IN INDIA:

➢ *State of Punjab vs. Ajaib Singh*[47]:

This decision underscored that confessions acquired by coercion or torture are illegal in court, since they infringe against the constitutional safeguard to prevent incrimination of oneself under Article 20(3). It underscored the need of protecting persons from coerced admissions, guaranteeing that forensic evidence is acquired legally and ethically.

➢ *D.K. Basu vs. State of West Bengal*[48]:

This pivotal lawsuit addressed the issue of custodial torture and set out protocols to avoid its incidence. The Supreme Court required actions like medical assessments of prisoners, availability of legal counsel, and accurate recording of arrests. The ruling also underscored those forensic methods, such as DNA testing or lie detector examinations, should not be used

[42] (Badgaiyan, 2026)
[43] (Basu, 2026)
[44] (Basu, 2026)
[45] (Sarkar, n.d.)
[46] (Pandey, 2026)
[47] (The State Of Punjab vs Ajaib Singh And Another on 10 November, 1952, n.d.)
[48] (D.K. Basu vs State of West Bengal December 18, 1996, n.d.)

to persons who have endured prison torture, guaranteeing that evidence is gathered in accordance with constitutional protections.

➢ *Nandini Satpathy vs. P.L. Dani*[49]:
The SC determined that no one will be compelled to provide testimony against himself, so strengthening safeguards under Article 20(3)[50]. This tenet encompasses forceful forensic techniques, forbidding approaches that undermine the right to remain silent.

➢ *Selvi vs. State of Karnataka*[51]:
In this instance, the SC forbade the use of coercive forensic methods including polygraph examinations, narco-analysis, and brain-mapping without the consensual approval of the defendant. It determined that such techniques may result in forced confessions, infringing against the the right to evidence against oneself as stipulated in Article 20(3)[52] of the Constitution. The ruling emphasised that forensic methodologies should respect human rights and comply with ethical norms.

➢ *Sheela Barse vs. State of Maharashtra*[53]:
This case emphasised custodial brutality, requiring court supervision and medical assessments for prisoners to guarantee humane treatment during the gathering of evidence. It established significant benchmarks for ethical forensic methodologies.

➢ *State of Bombay vs. Kathi Kalu Oghad*[54]:
This decision explained that tangible evidence such as handwriting or fingerprints specimens does not violate the Freedom to refuse to incriminate oneself, as long as it is obtained without duress. The ruling underscored that evidence should be acquired via legal and moral methods.

➢ *Justice K.S. Puttaswamy vs. Union of India*[55]:
While primarily focused on the right to confidentiality, this decision profoundly influenced forensic science by establishing that the acquisition and use of genetic or biometric information must respect personal dignity. The decision emphasised that the gathering of evidence must occur without duress and in accordance with constitutional safeguards.

➢ *Ramchandra Reddy vs. State of Maharashtra*[56]:
The Court determined that narco-analysis may only be performed with the agreement of the accused. This ruling underscored the moral quandaries associated with certain forensic methods and emphasised the need of reconciling investigative needs with personal rights.

VI. THE RIGHT TO BE OVERDISCOVERED:

The Right to Be Forgotten (RTBF)[57] is a developing notion in Indian jurisprudence that raises significant enquiries on the keeping, use, and deletion of personal information, especially in delicate areas such as forensic science. Forensic science is crucial in criminal enquiries since it provides scientific proof, although it also produces and stores personal information that might infringe upon an individual's private rights.
The Karnataka HC in 2017, in its verdict in the matter of Sri Vasunathan vs The Registrar-General, recognised the capacity to be forgotten for the very first time in India. A similar idea was also being discussed a decade earlier, called the “right to forget.” But if you look closely, the active and passive sides of the "forget" badge are not interchangeable. The ability to be forgotten should not be confused with the ability to forget, as it frequently is the blogosphere.
Even though the SC of India has not directly addressed the RTBF within the framework of forensic science, many landmark judgements have indirectly set the stage for understanding the relationship between privacy protections and data retention in forensic cases.

[49] (Nandini Satpathy vs Dani (P.L.) And Anr on 7 April, 1978, n.d.)
[50] (Basu, 2026)
[51] (Selvi & Ors vs State Of Karnataka & Anr on 5 May, 2010, n.d.)
[52] (Basu, 2026)
[53] (Sheela Barse vs State Of Maharashtra on 15 February, 1983, n.d.)
[54] (The State Of Bombay vs Kathi Kalu Oghad And Others on 4 August, 1961, n.d.)
[55] (Justice K.S.Puttaswamy(Retd) vs Union Of India on 26 September, 2018, n.d.)
[56] (Ramchandra Ram Reddy vs The State Of Maharashtra [Alongwith ... on 5 March, 2004, n.d.)
[57] (Anon., n.d.)

➢ *Jorawar Singh Mundy vs. Union of India*[58]:
The Delhi HC dissociated internet search results pertaining to a discharged individual's criminal matter, acknowledging their Right to Be Forgotten. Although this case does not represent a Supreme Court ruling, it illustrates the judicial acknowledgement of the Right to Be Forgotten (RTBF)[59] in India and its prospective relevance to forensic data, particularly where such holding on to may adversely affect an individual's reputation upon acquittal. A same assertion might be made about the elimination of forensic evidence from databases if it ceases to fulfil a valid function.

➢ *Shreya Singhal vs. Union of India*[60]:
This decision invalidated Section 66A of the IT Act, 2000[61], deeming it in violation of the Constitution, therefore underscoring the need of reconciling freedom of speech with privacy. Although it does not pertain explicitly to forensic science, the case highlights the requirement for fairness in limiting basic rights. The extended storage of forensic data, especially concerning discharged persons, should align with the public's interest.

➢ *Aadhaar* Case (*Justice K.S. Puttaswamy vs. Union of India, 2018*[62]):
The SC underscored the fundamentals of data security, such as purpose restriction, data minimisation, and need, while affirming the legitimacy of Aadhaar for designated purposes. These tenets may inform forensic data retention strategies, indicating that material like DNA profiles need not to be preserved permanently and should be deleted after its use has been fulfilled.

➢ *Manoj vs. State of Madhya Pradesh*[63]:
This case highlighted the imperative for fairness and equity in sentencing while also addressing the application of scientific proof in criminal proceedings. Although not explicitly connected to RTBF, the case underscores the increasing significance of forensic evidence in the pursuit of justice. The considerations of fairness addressed above may pertain to the keeping of forensic information, weighing investigation requirements against privacy entitlements.
These fundamental rulings may act as guiding tenets for further instances involving forensic science and the RTBF[64].

VII. CONCLUSION

The implementation of forensic science in the country's criminal justice framework is a major step toward ensuring that the legal process is fair and backed by credible evidence. But its implementation has to be in line with constitutional notions so that important rights such as right to privacy, safeguarding to prevent incrimination of oneself, and liberty from prison torture are preserved. The changing legal environment such as the sections of the Bharatiya Nyaya Sanhita, 2023[65], reflect India's desire to introduce forensic methods in the present day with judicial restrictions and ethical norms. However, issues like as varying standards of acceptability, lack of understanding and the possibility for abuse of forensic procedures highlight the need for continual improvement. If forensic science is conducted within constitutional limits and is used judiciously, it may be a powerful instrument of justice and a guardian of human freedoms.

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[58] (Jorawer Singh Mundy @ Jorawar Singh ... vs Union Of India & Ors on 1 April, 2022, n.d.)
[59] (Anon., n.d.)
[60] (Shreya Singhal vs U.O.I on 24 March, 2015, n.d.)
[61] (Commercial, 2026)
[62] (Justice K.S.Puttaswamy(Retd) vs Union Of India on 26 September, 2018, n.d.)
[63] (Manoj vs The State Of Madhya Pradesh on 9 January, 2026, n.d.)
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