
ADMISSIBILITY OF ILLEGALLY OBTAINED EVIDENCE: A COMPARATIVE ANALYSIS OF THE EXCLUSIONARY RULE IN INDIA AND THE UNITED STATES OF AMERICA

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ABSTRACT

The admissibility of illegally obtained evidence remains a critical issue in criminal justice systems, as it directly affects the balance between effective law enforcement and the protection of fundamental human rights. This research undertakes a comparative analysis of the exclusionary rule as applied in India and the United States of America. While the United States has developed a constitutionally entrenched exclusionary rule to deter unlawful State action and protect civil liberties, Indian courts have traditionally admitted illegally obtained evidence on the basis of relevance, subject to limited constitutional safeguards.

The study examines the constitutional foundations, judicial approaches, and landmark case laws shaping the exclusionary doctrine in both jurisdictions. In the United States, the exclusionary rule, rooted in the Fourth, Fifth, and Fourteenth Amendments, functions as a vital mechanism to enforce due process and police accountability. In contrast, the Indian legal framework, governed primarily by the Indian Evidence Act, 1872, reflects a pragmatic approach that prioritizes truth-finding, often at the cost of procedural fairness.

Through a non-doctrinal and analytical methodology, this research evaluates the impact of these differing approaches on the rights of accused persons, judicial integrity, and the overall fairness of trials. It further explores whether India should adopt a partial exclusionary rule that excludes evidence obtained through serious violations of fundamental rights. The study concludes that a calibrated exclusionary framework in India would strengthen constitutional governance, enhance human rights protection, and uphold the rule of law without compromising the administration of criminal justice.

Keywords: Illegally Obtained Evidence, Exclusionary Rule, Fair Trial, Fundamental Rights, Comparative Constitutional Law

INTRODUCTION

Meaning of Evidence and Illegally Obtained Evidence

Evidence refers to any material, oral or documentary, presented before a court to prove or disprove a fact in issue. It includes documents, electronic records, witness testimony, confessions, and material objects. Under the Indian Evidence Act, 1872, evidence is primarily judged on its relevance to the facts of the case.¹ Illegally obtained evidence refers to evidence collected through unlawful means, such as illegal searches, coercion, torture, violation of privacy, or breach of constitutional safeguards. Though such evidence may be factually reliable, the manner of its collection raises serious legal and ethical concerns.

Concept of the Exclusionary Rule

A legal theory known as the exclusionary rule forbids courts from admitting evidence that was gathered in violation of someone's constitutional or legal rights. This regulation was created in the US to uphold the Fourth Amendment and stop illegal searches and seizures.² The idea behind the law is that the state shouldn't profit from its own criminal activity. The "fruit of the poisonous tree" is a related notion that rejects both original illegal evidence and evidence derived from it.³

Importance of Fair Trial and Due Process

Fundamental components of criminal justice and human rights are due process and a fair trial. They guarantee respect for human dignity, equality before the law, and defense against capricious state action. Admission of evidence that was obtained illegally could result in law enforcement abusing their authority and erode public trust in the legal system.⁴

Need for a Comparative Study Between India and the USA

The USA and India have different strategies. U.S. courts prioritize constitutional conformity over evidentiary value, whereas Indian courts typically admit unlawfully obtained evidence if

¹ Indian Evidence Act, No. 1 of 1872, §§ 3–5 (India).

² *Weeks v. United States*, 232 U.S. 383 (1914).

³ *Silverthorne Lumber Co. v. United States*, 251 U.S. 385 (1920).

⁴ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248 (India).

it is significant.⁵ A comparative analysis aids in determining if India should take a more rights-oriented stance to improve judicial integrity and due process.

THEORETICAL AND CONSTITUTIONAL BASIS OF THE EXCLUSIONARY RULE

Meaning and Evolution of the Exclusionary Rule

A legal principle known as the exclusionary rule prohibits the use of evidence gathered by unlawful or unconstitutional means. Its main goal is to safeguard individual rights by preventing the State from profiting from its own illegal actions. *Weeks v. United States*, where the Supreme Court ruled that evidence gathered through unlawful searches violates constitutional protections, marked the beginning of the rule's significant development in the United States.⁶ Later, in *Mapp v. Ohio*, the Fourteenth Amendment expanded this idea to the states.⁷

Theories Supporting Exclusion

According to the deterrence argument, eliminating evidence that was obtained illegally deters law enforcement from breaking the law and the constitution. Authorities may be encouraged to disregard procedural safeguards if courts accept such evidence⁸.

According to the judicial integrity idea, judges shouldn't support unlawful state actions. The judiciary's moral authority and legitimacy would be jeopardized if evidence collected illegally were admitted.⁹

According to the principle of protection of fundamental rights, exclusion is required to defend individual liberties, especially privacy, liberty, and dignity. Rights must take precedence over conviction rates in the criminal justice system.

Right to Privacy and Process

Due process and the right to privacy are strongly related to the exclusionary rule. Article 21 of the Indian Constitution guarantees life and personal liberty, including the right to privacy and

⁵ *Pooran Mal v. Dir. of Inspection*, (1974) 1 SCC 345 (India).

⁶ *Weeks v. United States*, 232 U.S. 383 (1914).

⁷ *Mapp v. Ohio*, 367 U.S. 643 (1961).

⁸ *Elkins v. United States*, 364 U.S. 206 (1960).

⁹ *McNabb v. United States*, 318 U.S. 332 (1943).

due process.¹⁰ In the United States, the Fourteenth Amendment guarantees due process of law, the Fifth Amendment prohibits self-incrimination, and the Fourth Amendment guards against arbitrary searches.¹¹

International Human Rights Perspective

Exclusion is also supported by international human rights law. The idea that unlawfully obtained evidence shouldn't compromise justice is reinforced by the International Covenant on Civil and Political Rights (ICCPR), which requires fair trial standards and protection against arbitrary interference with private.¹²

ADMISSIBILITY OF ILLEGALLY OBTAINED EVIDENCE IN INDIA

According to the Indian Evidence Act of 1872, the admissibility of evidence is mostly based on its relevance rather than the legality of the means used to gather it.¹³ Except in some circumstances, such as confessions gained through pressure or inducement, the Act does not specifically forbid the admission of evidence that was obtained illegally. As a result, Indian courts have taken a practical stance that puts the pursuit of the truth ahead of procedural infractions.

The Indian judiciary has always prioritized relevance above legality. The Supreme Court ruled in *Pooran Mal v. Director of Inspection* that evidence gathered through unlawful search and seizure is acceptable if it is pertinent to the case at hand.¹⁴ Later rulings upheld this stance, demonstrating the judiciary's unwillingness to implement a rigid exclusionary rule.

But there are some protections. The Court stressed in *State of Punjab v. Baldev Singh* that failure to adhere to the NDPS Act's statutory safeguards could invalidate the trial, demonstrating limited exclusion based on fairness.¹⁵ Furthermore, the Court banned involuntary narco-analysis and polygraph examinations in *Selvi v. State of Karnataka*, ruling that they violated both Article 20(3) and Article 21's protection of human liberty.¹⁶

¹⁰ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1 (India).

¹¹ U.S. CONST. amends. IV, V & XIV.

¹² International Covenant on Civil and Political Rights arts. 14, 17, Dec. 16, 1966, 999 U.N.T.S. 171.

¹³ Indian Evidence Act, No. 1 of 1872, §§ 5–11 (India).

¹⁴ *Pooran Mal v. Dir. of Inspection*, (1974) 1 SCC 345 (India).

¹⁵ *State of Punjab v. Baldev Singh*, (1999) 6 SCC 172 (India).

¹⁶ *Selvi v. State of Karnataka*, (2010) 7 SCC 263 (India).

The right to privacy was acknowledged as a basic right in *Justice K.S. Puttaswamy v. Union of India*, which significantly broadened the application of Article 21 and strengthened arguments against the gathering of illegal evidence.¹⁷

Despite these advancements, the Indian strategy has come under fire for permitting abuses by the State and undermining the rights of those who are accused. The constitutional guarantee of a fair trial may be compromised and investigative abuse may be encouraged in the absence of a general exclusionary rule.

THE EXCLUSIONARY RULE IN THE UNITED STATES OF AMERICA

In the US, the exclusionary rule was first used as a court tool to uphold constitutional rights against illegal state activity. The Fourth Amendment, which protects people from arbitrary searches and seizures, serves as its cornerstone. The U.S. Supreme Court established the rule in *Weeks v. United States*, holding that evidence gathered in violation of the Fourth Amendment is not admissible in federal courts.¹⁸

In *Mapp v. Ohio*, the Court applied the exclusionary rule against the states through the Fourteenth Amendment, greatly broadening its application and establishing it as a national constitutional protection.¹⁹ *Miranda v. Arizona*, another significant ruling, reinforced procedural justice by strengthening the Fifth Amendment's protection against self-incrimination by eliminating confessions made without the required warnings.²⁰

The "fruit of the poisonous tree" theory, which prohibits both illegally obtained primary evidence and any secondary evidence generated from it, is closely related to the exclusionary rule. This theory makes sure that law enforcement is not indirectly benefited by constitutional infractions.²¹

Nonetheless, U.S. courts have acknowledged several exceptions to strike a balance between individual rights and efficient law enforcement. Evidence gathered by reasonably relying on a faulty warrant is permitted by the good faith exemption.²² In cases where the material would

¹⁷ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1 (India).

¹⁸ *Weeks v. United States*, 232 U.S. 383 (1914).

¹⁹ *Mapp v. Ohio*, 367 U.S. 643 (1961).

²⁰ *Miranda v. Arizona*, 384 U.S. 436 (1966).

²¹ *Silverthorne Lumber Co. v. United States*, 251 U.S. 385 (1920).

²² *United States v. Leon*, 468 U.S. 897 (1984).

have been found legally anyhow, the inevitable discovery concept allows admission.²³ Evidence that was first found illegally but was later acquired legally is permitted by the independent source doctrine.²⁴

The U.S. judiciary plays a crucial role in upholding the integrity of the criminal justice system while defending civil liberties through these concepts.

COMPARATIVE ANALYSIS, FINDINGS, AND SUGGESTIONS

Comparative Analysis of the Exclusionary Rule in India and the USA

The United States' exclusionary rule is based on a rights-centric constitutional framework. The exclusionary rule serves as a tool to uphold constitutional rights, particularly those included in the Fourth and Fifth Amendments, because the U.S. Constitution views individual liberty as a check on state power. The Indian Constitution, on the other hand, strikes a balance between societal order and individual rights. The lack of a comprehensive exclusionary rule can be explained by Indian courts' historical emphasis on truth-finding and the public interest over rigorous procedural conformity.

Judicial Attitude

In order to prevent police wrongdoing and maintain judicial integrity, the U.S. judiciary has taken on an active and enforcement-focused role, eliminating evidence that was obtained illegally. However, Indian courts have exercised caution, accepting evidence that was obtained unlawfully if it is pertinent—that is, unless it directly violates constitutional rights like the prohibition against self-incrimination or personal liberty. This illustrates a judicial approach that is both practical and careful.

Rights of the Accused

Strong procedural protections are available to the accused in the United States. The presumption of innocence is strengthened by the exclusion of compelled confessions, illegal searches, and derived evidence. Even though Articles 20(3) and 21 of India prohibit coercion and arbitrary deprivation of liberty, an accused person may still be found guilty based on

²³ *Nix v. Williams*, 467 U.S. 431 (1984).

²⁴ *Murray v. United States*, 487 U.S. 533 (1988).

evidence that was collected illegally but is pertinent. As a result, charged individuals have a far weaker defense.

Law Enforcement Accountability

By deterring unconstitutional police conduct, the exclusionary rule in the United States acts as a potent accountability tool. The absence of a rigorous exclusionary rule in India restricts institutional responsibility since unlawfully obtained material may still be utilized in court, which lowers the motivation for legitimate investigation.

Strengths and Weaknesses of Both Systems

The U.S. system is robust because it protects human rights and discourages state misuse. On rare occasions, nevertheless, technicalities may lead to acquittals. Substantive justice and crime prevention are given top priority in India's system, but its main flaw is the potential for investigative abuses and human rights breaches to be justified.

Impact on Human Rights and Fair Trial

Because it prohibits states from profiting from illegality, the U.S. approach is more in line with international fair trial requirements from a human rights standpoint. Although effective, the Indian method runs the risk of compromising procedural justice, privacy, and dignity—all crucial elements of a just trial.

Should India Adopt a Partial Exclusionary Rule?

India does not have to implement a strict exclusionary rule akin to that of the United States. A partial exclusionary rule, on the other hand, would increase constitutional protections without jeopardizing the administration of justice by excluding evidence gathered by grave privacy abuses, illegal imprisonment, or torture.

Suggestions

To effectively safeguard constitutional rights without compromising the efficiency of the criminal justice system, India should move toward implementing a limited or partial exclusionary rule. Evidence gained through grave violations of basic rights, such as torture, coercion, illegal imprisonment, or grave infringement of the right to privacy, should be

excluded by courts rather than all illegally obtained evidence. This would guarantee that unconstitutional behavior does not benefit the State.

Clear legislative criteria on the admissibility of evidence obtained illegally are required. The Indian Evidence Act, 1872 may be amended by Parliament to include clauses requiring courts to consider the legality and fairness of the evidence's acquisition in addition to its relevance. Such a strategy would bring evidence law into compliance with Articles 20(3) and 21 of the Constitution.

Developing consistent judicial rules for evaluating police wrongdoing could improve judicial oversight. When investigative agencies engage in unlawful activities, courts should impose penalties, such as departmental action and victim compensation. To stop rights breaches during the investigation phase, police officers should be required to complete training courses on constitutional rights and legitimate investigative methods.

Conclusion

Two different constitutional perspectives on the admissibility of evidence collected illegally are highlighted by the comparison of the United States and India. The Indian system places more emphasis on relevance and truth-finding than the U.S. exclusionary rule, which places a high emphasis on individual rights and law enforcement accountability. While this practical approach facilitates successful prosecution, it runs the risk of undermining the guarantees of a fair trial and the protection of human rights.

Justice cannot be served by illegal methods in a constitutional society that upholds the rule of law. In India, a fair exclusionary framework will uphold human dignity, strengthen public trust in the legal system, and align criminal procedure with constitutional morality. Adopting such changes would be a step in the right direction for India's criminal justice system.