

## **Ethical Issues And Scientific Validity In The Use Of Narcoanalysis In Criminal Investigations**

Ms. Rimpj Bhardwaj<sup>1</sup>, Dr. (Prof.) Bindu Jindal,<sup>2</sup> Ms. Trisha Gosain,<sup>3</sup> Dr. Anju Sharma,<sup>4</sup> Dr. Anil Vats<sup>5</sup>, Prof. S.P.Saini<sup>6</sup>, Ms. Gurpreet Kaur<sup>7</sup>.

- <sup>1</sup>. Ph.D. Scholar, Department of Law Maharishi Markandeshwar (Deemed to be University), Mullana-Ambala, rimpjbhardwaj25@gmail.com.
- <sup>2</sup>. Head & Dean, Department of Law Maharishi Markandeshwar (Deemed to be University), Mullana-Ambala, bindujindal1994@gmail.com
- <sup>3</sup>. Assistant Professor, Department of Law Maharishi Markandeshwar (Deemed to be University), Mullana-Ambala, Trishagosain.2012@gmail.com
- <sup>4</sup>. Assistant Professor, Department of Law Maharishi Markandeshwar (Deemed to be University), Mullana-Ambala, dr.anjusharma522@gmail.com
- <sup>5</sup>. Assistant Professor, Department of Law Maharishi Markandeshwar (Deemed to be University), Mullana-Ambala, vatsanil11@gmail.com
- <sup>6</sup>. Professor, Suresh Pal Saini, Department of Law Maharishi Markandeshwar (Deemed to be University), Mullana-Ambala, sureshpalsaini@mmumullana.org
- <sup>7</sup>. LLM Scholar, Department of Law Maharishi Markandeshwar (Deemed to be University), Mullana-Ambala, preetshimar23@gmail.com

### **Abstract:**

Criminal investigations are increasingly relying on scientific methods such as polygraph tests, narcoanalysis, DNA profiling, and forensic foot printing, among others. These techniques have contributed significantly to advancing the accuracy and efficiency of criminal investigations. Among these, narcoanalysis has gained particular prominence in certain jurisdictions, including India, as a potential tool for extracting information from suspects. This method involves the administration of certain chemicals (such as sodium pentothal) to induce a state of sedated or altered consciousness, under the assumption that the subject may disclose truthful information during this state. Despite its widespread use, narcoanalysis is not without controversy. This paper examines the scientific foundations of narcoanalysis, its applications in criminal investigations, and the ethical and legal challenges it raises within the context of the Indian criminal justice system. While proponents argue that narcoanalysis can enhance investigative processes by uncovering vital information, it is also criticized for potentially infringing on constitutional rights, particularly the right against self-incrimination, as guaranteed by Article 20(3) of the Indian Constitution.

Narcoanalysis derived evidence's legal admissibility is also up for question, especially in light of its ethical implications and dependability. The criminal justice system must implement stringent precautions when using this technique because of the possibility of abuse and basic rights violations. The study also looks at how to strike a balance between the constitutional safeguards that people have within the criminal justice system and its potential value in improving the truth-discovery process. The narco analysis method and its evidentiary relevance in criminal investigations are the author's main areas of interest. In order to address the investigative value of narcoanalysis as well as the constitutional, ethical, and legal issues, this book will critically

analyse the scientific foundations of the practice and offer a thorough analysis of its application in the judicial system.

**Keywords:** Constitutional Validity, Criminal Investigation, Narco analysis, Scientific Techniques.

## **1 INTRODUCTION:**

The rule of law serves as the foundation for governance in India, which has a robust democratic system.<sup>1</sup> (Takwani, 2001). Science and technology have made life more pleasant and easier over the past few decades. The legal framework offers the framework and rules for regulating developments in science and technology.<sup>2</sup> (Sanjaya, 2021). In order to resolve issues that primarily include scientific evidence, attention has turned to the intersection of law, science, and technology. The development of science has also affected the criminal justice system. The ancient rules of crime detection in criminal jurisprudence have changed with the advent of modern technology and scientific methods for detecting crimes, including as brain mapping, narco-analysis, hypnosis, P-300, and polygraph tests.<sup>3</sup> (Parkash et. al. 2008). The most effective crime detection techniques, known as "neuro law," have surfaced and are assisting law enforcement organizations in their administration of the criminal justice system. These days, a lot of investigating agencies use deception detection tests, which are a highly developed and well known phrase in criminal investigation. The use of such technologies within the realm of criminal justice is not recent. It has progressively advanced in response to an increase in criminal behavior and in unison with socioeconomic improvements. The main objective this study the deception detection of test with focus on narco analysis with legal, judicial and scientific aspect as well as the scope of constitutional legal ethical issues and admissibility of narco analysis test in criminal investigation. The objective of study should also impact of this test on the accused and criminal investigation. This work used doctrinal research as its research methodology. Data gathered from a variety of publications, including books, articles, law journals, thesis, and websites, served as the primary sources for this study.

## **3. Meaning of Narco Analysis:**

In narcoanalysis testing, sodium pentothal, also known as Truth Serum, is injected. When sodium pentothal is administered, it reduces self consciousness, which permits the person to communicate freely. This occurs when a person enters a hypnotic condition and loses inhibition. Examiners can ask the subject questions at this point and receive accurate responses. A psychologist, detective, or forensic specialist watches as a narco test is conducted. Compared to other well known third degree procedures that investigative departments employ, it is a less severe option.<sup>4</sup> (Textbook, 2024).

Horseley was the one who originally used the term "Narco analysis." It comes from the term "Narke," which implies anaesthesia in Greek. It entails injecting distilled water and sodium pentothal into the body of the patient (accused or any suspect) in order to negate their imagination and induce them to reveal accurate facts about the crime. Therefore, the truth serum is another name for the narco-analysis test. The "twilight stage," which is the transitional condition between consciousness and unconsciousness, is reached by the subject during such administration when his behaviors become uncontrollable. Narco analyses tests present many challenges and are typically carried out carefully and cautiously in light of different circumstances.<sup>5</sup> (Tayagi, 2019).

Horsley originally used the phrase "narco-analysis," but Calvin Goodard was the first to use the term "Truth Serum" to describe a substance that had previously been used for psychiatric objectives. Experts started using scopolamine for narco-analysis or truth serum tests, which was later supplanted by sodium pentothal.<sup>6</sup> (VELDT et al. 1952).

## **4. Historical Context of Narco Analysis:**

Originating from the Greek word "narke," which means "anaesthesia" or "torpor," the phrase "Narco Analysis" refers to a diagnostic and psychotherapy method that makes use of psychotropic medications.

Horseley was the first person to use the phrase Narco Analysis. When Texas physician Robert House administered the drug scopolamine to two inmates in 1922, the Narco Analysis test gained widespread acceptance. The Nithari serial killing case made considerable use of this test. In Gujarat, Mohinder Singh Pandher and Surendra Kohli, the two suspects in the case, took the Narco Analysis test.<sup>7</sup> (Anil Kumar et al. 2019)

The advent of narcoanalysis as a contentious but cutting-edge investigative technique in the early 21st century marks the historical development of narcoanalysis in India. The method became well known following high-profile criminal cases, especially those involving terrorism and horrible crimes. Narcoanalysis was included because of its ability to extract information from detainees who could be reluctant or recalcitrant when subjected to standard interrogation techniques. However, this introduction provoked heated legal and moral discussions because detractors claimed it violated people's right to privacy and their right against self-incrimination. Its admissibility in courts was previously unclear due to the absence of a specific legal framework.<sup>8</sup> (Dogra, 2023).

## **5. Ethical Consideration:**

Narcoanalysis can be used as a coercive tactic, forcing someone who may not want to or who is innocent of wrongdoing to speak while under the effect of drugs. One could claim that because of the altered mental state brought on by drug use, conclusions drawn from narcoanalysis are not trustworthy. Because drugs might cause hallucinations, false memories, or confabulations, the information gleaned during narcoanalysis may not be accurate. Confusion and erratic reactions may also result from the suspect's mental state. It is possible to falsify or change memories, which could result in inaccurate or misleading information. When under the influence of drugs, people may be more receptive to recommendations and give the interviewer information they believe they want to hear rather than the truth.<sup>9</sup> (Vasvani et al. 2024).

There are many ethical issues with narco analysis test process. However, narco analysis presents significant ethical concerns about the accuracy of data collected while under the influence of drugs and the coercion of individuals. Because replies acquired under the influence of drugs are subjective, the validity of narco analysis results is called into question. The results of these tests are validated by legal systems using expert testimony and supporting evidence.

Informed consent is necessary for narco analysis. It is crucial to make sure that consent is acquired voluntarily and freely, free from compulsion, in the context of criminal investigations. The preservation of individual rights and the requirement for consent have been reaffirmed by Supreme Court decisions.<sup>10</sup> ((Legal article, 2024)

**5.1 Reliability of Narco Analysis:** A fundamental component of moral research and medical procedures is informed consent. Getting true informed permission is the difficult part of narcoanalysis. Considering that the process entails putting people into a condition of altered awareness, raising concerns about their ability to completely understand the dangers and ramifications of the procedure. Furthermore, the voluntariness of the consent may be impacted by the power dynamics that exist between persons and law enforcement. People undergoing narcoanalysis could feel pressured to comply because they believe that refusing could be seen as an admission of guilt. It can be difficult to strike a compromise between the requirements of criminal investigations and the moral requirement of informed consent.<sup>11</sup> (Dogra, 2024).

## **6. Legal Framework and Constitutional Validity of Narco Analysis Test:**

Narco-analysis tests are conducted on a subject who is only partially conscious; they are frequently not admissible in court. However, after considering the testing environment, the court may decide to grant restricted admission. According to Article 20(3) of the Constitution, it would be illegal to do lie detector tests, narcoanalysis, or brain mapping without the accused's agreement. The essential provision controlling criminal prosecution and inquiry is found in Article 20 of the Indian Constitution (3). There is discussion of the right against self-incrimination. A fundamental tenet of common law criminal jurisprudence is the

prohibition against “self incrimination.” Art. 20(3), which states that “no person accused of any wrongdoing will be required to be a witness against oneself.”<sup>12</sup> (Jain & Co., 2023).

Since the narco-analysis test relies on the injection of drugs, which impair reasoning abilities without altering speech or memory, it violates Article 20(3). Once more, this exam goes against the dictum “Nemo Tenetur se Ipsum Accusare” states that no one, not even an accused person, may be forced to respond to any query that could lead to his conviction for a crime. The court should reject the accused's conclusion if it was the result of any moral or physical coercion, such as hypnosis or a trance-state of mind. In India as well, the criminal justice system is undergoing revisions in response to the Madhava Menon Committee's and the Malimath Committee's recommendations report that demands the accused's active involvement in the criminal inquiry. The studies state that an accused person's silence in answer to queries during questioning should be interpreted negatively. The Indian government has rejected the Malimath report's recommendations. However, there is no guarantee that these suggestions will be followed in the future, and the individual loses his right to remain silent.<sup>13</sup> (Jain & Co., 2023).

### **6.1 Right Against Self Incrimination:**

Under the Indian Constitution elevates the principle of “protection against self-incrimination” to a constitutional imperative. It mandates that no individual accused of an offense can be compelled to testify against them. This provision underscores a fundamental aspect of justice, aligning with both national and international advancements in human rights. A recent judicial interpretation has offered a contemporary perspective on Article 20(3), emphasizing its relevance in the evolving landscape of legal and human rights discourse. This constitutional safeguard comprises three essential components, delineating the boundaries within which the state can operate in its pursuit of justice while respecting the dignity and rights of the accused.

- It is a right granted to individuals facing criminal accusation.
- It safeguards against compelled testimony.
- It shields individual against being compelled to provide evidence that could incriminate them.<sup>14</sup> (Article 20 of Constitution of India).
- Clause (3) of Article 20 in the Indian Constitution is pivotal in safeguarding individuals against self-incrimination and coercion during criminal proceedings. It guarantees that no individual accused of a crime can be forced to give self-incriminating evidence, including the use of fingerprints. This clause serves as a cornerstone in upholding the principle of "innocent until proven guilty" and reinforces the right to remain silent, a fundamental aspect of fair trial procedures in common law criminal jurisprudence.

The essence of Article 20(3) of the Indian Constitution lies in three fundamental principles:

- **Presumption of Innocence:** A person accused of a crime is considered innocent until the prosecution proves their guilt.
- **Burden of Proof on prosecution:** The prosecution has the duty to prove the accused's guilt beyond a reasonable doubt.
- **Right to silence:** The individual accused of any crime cannot be forced to make any statement against their will.

These principles stem from the concern that coercive measures, such as forced examinations or torture, could be employed to extract incriminating statements from the accused, leading to unjust outcomes. The privilege against self-incrimination thus serves to protect individual privacy and uphold civilized standards within the criminal justice system.<sup>15</sup> (Singh, 2015).

### **6.2 Right to Privacy Under Article 21:**

It contends that narco analysis tests infringe upon an individual's fundamental right to privacy, as guaranteed by the Indian Constitution. In **Gobind v. State of Madhya Pradesh**,<sup>16</sup> (1975). The Supreme Court ruled that the right to Privacy is a basic right in and of itself, and as such, it must be restricted where there is a strong public interest. It is argued that the Right to Privacy is likewise subject to constraints and restrictions, much like Article 21. Nonetheless, these restrictions have to be applied in line with the legal process. It should be mentioned that the approach and methodology employed in narco-analysis are ones that are approved by the nation's current laws.<sup>17</sup> The narco-analysis test should be "The Criminal Procedure Code," according to several high courts' rulings (currently Bharatiya Nagrik Suraksha Sanhita, 2023) analysis. "The Karnataka High Court rejected the argument that injecting a drug into the accused's body was distinct from taking a sample of his blood or sperm in *Selvi v. State of Karnataka*."<sup>18</sup> (2004.).

## **7. Criminal Procedure Code, Bhartiya Nagrik Suraksha Sanhita And Narco Analysis:**

The Criminal Procedure Code (today known as the BNSS) offers all the tools and processes needed to look into and try cases. A clause explicitly relating to scientific evidence is included in Section 293<sup>19</sup> of the CrPC (currently Section 329 of the BNSS, 2023), which states that a chemical examiner's report may be used as evidence in any inquiry or trial. In order to gather evidence, the accused may be put through medical testing in accordance with section 53(1) of the Criminal Procedure Code (currently section 51 (1) of the BNSS, 2023). After Section 53 was changed in 2005, the narco-analysis test and a number of other scientific methods were accepted as forms of evidence under the CrPC. The court concluded in *Anil A. Lokhande v. State of Maharashtra*<sup>20</sup>, (1981), that it may be required to take a sample of the accused and examine him in a manner that best supports the evidence in order to determine the facts that could provide such proof. The process of drawing blood under legal protection is not cruel, insulting, or startling. Modern scientific approaches to crime detection are necessary for modern community functioning in order to protect the public. Such scientific examinations are required to establish both the accused's guilt and innocence. This is one of the widely accepted techniques used in crime detection worldwide.<sup>21</sup> (Dr. Minhas). Another clause within the criminal code is Section 161(2) of the CrPC, which is currently Section 180(2) of the BNSS.

## **8. Global Perspective on Narco Analysis Test:**

- **In India:**

While some democratic nations, most notably India, still employ narco-analysis, the majority of developed and democratic nations have restricted or banned its use for investigation purposes. Anesthesiologists, psychiatrists, clinical/forensic psychologists, audio-videographers, and support nurses make up the team that is doing the Indian narco-analysis test. A report regarding the disclosures is prepared by the forensic psychologist and includes a compact disc with audio-video recordings. If necessary, the individual is put through brain mapping and polygraph testing to further assess the strength of the revelations.<sup>22</sup> (Dr. Ram Niwas Sharma 2017).

- **Western Countries:**

The legal environment around narcoanalysis is varied in Western nations. A cautious attitude is seen in many jurisdictions, especially in the US. The Fifth Amendment's prohibition on self-incrimination is one example of a constitutional safeguard that has been believed to restrict the admissibility of evidence gathered by forceful or involuntary methods, such as narcoanalysis. Furthermore, there are differences in the legal requirements for using scientific evidence, and courts frequently question the validity and dependability of narcoanalysis methods. In general, European nations uphold the values of privacy and human rights. It could raise doubts about the application of truth serum or comparable techniques. The European Court of Human Rights has established strict guidelines regarding the admissibility of evidence gathered using methods that can violate someone's right to a fair trial. The analysis of narco involving the drug scopolamine on criminals in the United States was initially reported in 1922. The Central Intelligence Agency has carried on the

United States military's and intelligence services' experimentation with truth medicines during and after the war years.<sup>23</sup> (Dr. Minhas).

### 9. Acceptability of Narco Analysis Tests as Evidence in Western and Indian Nations:

Country	Use of the Narco-Analysis Test	Admissibility in Court	Important Legal Considerations	Prominent Cases or Laws
<b>India</b>	Used mostly by law enforcement for investigative purposes.	In Indian law, it is not acceptable as evidence. Consent must be given voluntarily.	Article 20(3) of the Indian Constitution guarantees the right against self-incrimination.	The findings of tests are not trustworthy. In <b>Selvi v. State of Karnataka</b> <sup>24</sup> , AIR 2010 SC1974, it was decided that narco-analysis violated the right to self-incrimination and was therefore not admissible as evidence.
<b>United States</b>	Seldom utilized in criminal investigations, but occasionally in military or intelligence settings.	It is not acceptable in court as evidence.	Self-incrimination is protected by the Fifth Amendment. <ul style="list-style-type: none"> <li>a. The confession's voluntariness is crucial.</li> <li>b. Frequently regarded as unreliable tests.</li> </ul>	In the case of <b>Washington v. United States</b> , <sup>25</sup> (1949) confessions subjected to narco-analysis were deemed untrustworthy.
<b>United Kindom</b>	Utilized in criminal investigations infrequently. More often used in intelligence-related contexts.	It is not acceptable in court as evidence.	Self-incrimination is protected by the Human Rights Act of 1998. The right to silence under the Police and Criminal Evidence Act (PACE) of 1984.	Although it is founded on the principles of self-incrimination, no particular case law for narco-analysis was established.

### 10. Judicial Approach of Narco Analysis Test in Criminal Investigation:-

The Madras High Court ruled in **Dinesh Dalmia v. State of Madras**<sup>26</sup> (Cr. LJ 2006) that if an accused person is put through any scientific testing, it won't be equivalent to forcing him to break his silence. Narco-analysis is not coerced testimony. The accused person is free to make the remarks voluntarily, the court argues, even if he is brought against his will to the laboratory for a narco test. It is erroneous to believe that

someone who has been forcibly admitted to a lab and given a sodium pentothal injection will voluntarily divulge information in such circumstances. Such scientific methods cannot be used by the investigative agencies. Techniques of investigation that violate human rights and are incriminating, even when the public or human rights advocates are urging the investigating agency to use scientific techniques instead of third-degree approaches.

In India, narcotics analysis is becoming more and more commonplace in labs, judicial proceedings, and investigations. In the case of *State of Bombay v. Kathi Kalu Oghad*<sup>27</sup> (AIR 1961) ruling, rendered by an eleven judge panel, held that self incrimination implies communicating facts based on the individual's personal expertise; this cannot be limited to the rote procedure of submitting paperwork to the court. In the case of *Rai Sahib Ram Jawaya Kapur v. State of Punjab*<sup>28</sup>, (AIR 1955), it was decided that the executive branch could not violate someone's constitutional rights or liberty, or any other rights for that matter. It was also noted that if there was no legislation in place, any violation of a person's fundamental rights would have to be declared unconstitutional.

It is recognized that the ruling in the case of *Nandini Sathpathy v. P.L. Dani*<sup>29</sup> (AIR 1978) held that no individual accused of any crime can be compelled to provide statements, who is entitled to remain silent during the investigation process. The right to silence is rendered invalid and illegitimate by the administration of these tests, which reinstates forced mental trespassing. The High Court further held that it is thought that tests like Narco analysis are not very trustworthy.

In the USA, the case of *Townsend v. Sain*<sup>30</sup> (1963) held that “a confession made by the petitioner during police interrogation during a time when a substance with truth serum qualities overrode the petitioner's volition was not valid under the constitution. Testimony coercion does not apply when gathering information and assisting with an inquiry. As a result, it complies with the constitutional clause protecting people from being forced to testify against themselves.”

In the case of *M.P. Sharma v. Satish Chandra*<sup>31</sup> (AIR 1954) the court rejected the contention of the petitioners that the right to acquire hold and dispose of the petitioner that the right to acquire hold and dispose of the property was infringed upon by the search and seizure process the court observed that but conducting the search did deprived.

In the case of *Selvi & Ors. v. State of Karnataka*,<sup>32</sup> (2010) Hon'ble Supreme Court held that the Honourable Sessions Judge granted permission for the prosecution to give the petitioners a polygraph or drugs test. It contends that when the petitioners voiced their dislike of taking a drugs test or polygraph, the taught Sessions Judge should not have issued the disputed order, not even with conditions.

In the case of *Rajesh Talwar and another v. Central Bureau of Investigation*<sup>33</sup> (2012) it was argued, based on this Court's Referring to the ruling cited by the knowledgeable solicitors for the two respondents in (*Rajesh Talwar v. CBI*) might be suitable in this regard. The Code of Criminal Procedure's provisions serve as the foundation for a court's jurisdiction to pursue criminal charges. In many cases, the complainant or the accused must travel the whole distance of a state in order to appear in court for criminal proceedings. The observation of the High Court that even the first applications were submitted at a certain point in time at the conclusion of the prosecution's evidence and the defense had gone in and about finished its evidence. Actually, the petitioners had, without objecting, stated that the records and reports The witnesses purported proof has not been provided to them or contributed to the court file, took part in the analysis, and interrogation of two witnesses. We may observe that criminal Courts are not required to grant any party's request to consider and permit the use of further evidence, and in reality, are restricted under Section 233(3) Cr.PC. The As a result, the extraordinary leave petition is denied.

Ruling in *Zahira Habibulla H. Sheikh v. State of Gujarat*,<sup>34</sup> (2004) It was noted that an individual's claimed fear of not being allowed to stand trial should be taken into account if the situation makes it impossible to hold a fair and impartial trial free from outside influences and fair trial, unaffected by unrelated factors, an individual's expressed concern about a transfer should be taken into account as reasonable. It was argued

that there could be no doubt that the petitioners' fear that they would not likely receive a fair and impartial trial free from outside influences was not unfounded given the conditions that prevail in the Ghaziabad courts.

In the case of Central Bureau of Investigation (CBI) v. Hopeson Ningshen,<sup>35</sup> (2010) this Court's decision was stated that this Court was contacted by the CBI to request a change in the prosecution's venue in a case where the agency believed there was a genuine risk of the accused being physically attacked during the trial. This Court acknowledged the CBI's prayer, noting that there could be no dispute and that the respondent accused was really vulnerable to a physical attack as long as he remained in Manipur. The petitioners' experienced counsel emphasizes once more how much stronger the current case is since it is based on a factual attack that might lead to serious. The petitioners' fears are legitimate and very much present.

Hathras Case: In the case of Satyam Dubbey v. Union of India<sup>36</sup> (2020) in The polygraph and narco analysis tests were administered in this instance by the Uttar Pradesh state government as a component of the continuing inquiry into the suspected gang rape and murder of a 19-year-old female. The Allahabad High Court has been instructed to monitor the CBI's investigation into the issue by the Supreme Court, which declined to move the case from Uttar Pradesh to Delhi. The Court additionally asked the Allahabad High Court to omit some aspects from the high court's ruling that reveal the victim's family's identities. The UP government was directed by the court to offer the victim's family and witness's proper security and compensation.

It was held that the court case against these defendants included a thorough investigation, evidence analysis, and witness statements. Sandeep Sisodia (Chandu) was found guilty of culpable homicide not amounting to murder, whereas Ravi, Ramu, and Lavkush were acquitted in the recent court ruling. Concerns regarding the trial's conduct and the need for justice in cases of sexual abuse and caste based discrimination have been brought up in the case's legal outcomes, which have generated a great deal of discussion and controversy. The larger concerns of caste discrimination, gender based violence, and the availability of justice for underprivileged groups in India remain at the forefront of the public and judicial debates surrounding this case.

In the case State of Gujarat v. Inayat Ismail Vohra<sup>37</sup> (2007) which was decided that he has asked that the trial court's contested order be favorably overturned and that the prosecution be given the go ahead to subject the petitioner to a polygraph, brain mapping, and narcotics analysis test.

In the matter of RG Kar Hospital Case According to an investigation officer the CBI intends to suspected person Sanjay Roy, who was detained in relation to the suspected rape and killing of a doctor at R G Kar Medical College and Hospital, CBI file an application for narco analysis test. According to him, the central agency probe has filed an appeal with the Sealdah court in the city, requesting authorization to test Roy."The main purpose of this is to double check Roy's account of events. We would be able to confirm his account with the aid of the narco analysis test. The CBI officer stated that during a narco analysis test, the individual is given an injection of sodium pentothal, which puts him into a hypnotic condition and neutralizes his imagination.<sup>38</sup> The court declared that "Accused Sanjay Roy did not give his consent for the Narco analysis test,"<sup>39</sup>

## **11. Conclusion:**

There are serious ethical and scientific issues with narcoanalysis in criminal investigations that need to be thoroughly thought out. Although narcoanalysis may yield information, its scientific validity is called into question because of the altered state of consciousness it causes. The technique's subjective character and the fact that different people react differently to the chemicals used compromise the quality and consistency of the data collected. This calls into question whether it is a valid tool for criminal investigations. Informed permission, the possibility of coercion, and the defense of individual rights are all ethically significant issues when medications are used to generate a semi-conscious condition. Human dignity, privacy, and self determination may be violated by the use of narcoanalysis, especially if people are exposed to it without their consent.

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- <sup>22</sup> An Overview of the Narco Analysis Test from the Legal Perspective, (visited on 1<sup>st</sup> January, 2025), available at: [https://www.ijirset.com/upload/2017/may/359\\_ERTW\\_21\\_2611%20V2.pdf](https://www.ijirset.com/upload/2017/may/359_ERTW_21_2611%20V2.pdf)
- <sup>23</sup> Supra note 21 at 10.
- <sup>24</sup> AIR 2010 SC1974
- <sup>25</sup> 1949
- <sup>26</sup> Cr. LJ 2006 Para 14 & 17
- <sup>27</sup> AIR 1961 SC 1808

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<sup>28</sup> AIR 1955 SC 549

<sup>29</sup> AIR 1978 SC 1025

<sup>30</sup> 372 US 293 (1963)

<sup>31</sup> AIR 1954 SC 300

<sup>32</sup> 2010 (2) GLH (SC) 357.

<sup>33</sup> (2012) 2 SCC (Cri) 359

<sup>34</sup> (2004) 4 SCC 158

<sup>35</sup> (2010) 5 SCC 115,

<sup>36</sup> 2020 SCC Online SC 874.

<sup>37</sup> (2007) 2 GLR 2088

<sup>38</sup> RG Kar case: CBI wants narco analysis test of Sanjay Roy, moves court for permission By Nation Herald, (Visited on 15 September 2024) available at: <https://www.nationalheraldindia.com/national/rg-kar-case-cbi-wants-narco-analysis-test-of-sanjay-roy-moves-court-for-permission>.

<sup>39</sup> Kolkata Rape Murder Case: Court Reject the Plea on Narco Test Plea, BY The Times of India (Visited on 15 September 2024) available at: <https://timesofindia.indiatimes.com/india/kolkata-rape-murder-case-court-rejects-cbis-narco-test-plea-as-accused-sanjay-roy-refuses-consent/articleshow/113329825.cms>.