

Narco Test

October 5, 2020

In News

Narco Analysis involves the **injection of a drug, sodium pentothal, which induces a hypnotic or sedated state in which the subject's imagination is neutralised, and they are expected to divulge information that is true.** The drug, referred to as "truth serum" in this context, was used in larger doses as anaesthesia during surgery, and is said to have been used during World War II for intelligence operations.

More About Narco Analysis

- Investigating agencies have sought to employ these tests in investigation, and are sometimes **seen as being a softer alternative to torture or third degree** to extract the truth from suspects.
- However the method has **not been proven scientifically to have a 100% success rate**, and remains contentious in the medical field as well.
- An **injection known as Thiopentone** is used for such a test. Its chemical name is sodium pentathol and it is mixed in distilled water before being administered to the accused. **Drugs like Sodium Amytal and Scopolamine are also used.** The dose is dependent on the person's sex, age, health and physical condition. A wrong dose can result in a person going into a coma, or even death.

Selvi & Ors vs State of Karnataka & Anr-Supreme Court Judgement

- A Supreme Court bench ruled that **no lie detector tests should be administered except on the basis of consent of the accused** and the subject's consent should be recorded before a judicial magistrate.

- Those who volunteer must have access to a lawyer, and have the physical, emotional, and **legal implications of the test explained to them by police** and the lawyer.
- The results of the tests **cannot be considered to be confessions**, because those in a drugged-induced state cannot exercise a choice in answering questions that are put to them.
- However, **any information or material subsequently discovered** with the help of such a voluntarily-taken test **can be admitted as evidence**.
- The bench took into consideration international norms on human rights, the right to a fair trial, and the right against self-incrimination under **Article 20(3) (right against self-incrimination, which states that no accused can be compelled to be a witness against himself)** of the Constitution.
- The bench stated that a **forcible intrusion into a person's mental processes** is also an **affront to human dignity and liberty**, often with grave and long-lasting consequences.
- With reference to victims, especially of sexual offences, the bench said that irrespective of the need to expedite the probe in such cases, a victim of an offence cannot be forced to undergo these tests as it would be an unjustified intrusion into mental privacy and could lead to **further stigma for the victim**.

Usage of Narco Test

- In most cases, investigating agencies seek permission for such tests to be done on accused or suspects, but rarely on victims or witnesses.
- Legal experts say that investigating agencies can submit to a court that the tests are being sought to help in their probe but **consent or refusal to undergo the tests by an individual do not reflect innocence or guilt**.
- Most recently, the CBI has sought to conduct these tests

on the driver and helper of the truck that hit the **Unnao rape** victim in Uttar Pradesh in July last year.

- It also sought to conduct the tests on one accused in the **Punjab National Bank alleged fraud case**, but the court rejected the plea after the accused did not give consent.