



NARCO ANALYSIS IN INDIA: BALANCING THE QUEST FOR TRUTH WITH THE RIGHT AGAINST SELF-INCRIMINATION

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ABSTRACT

The quest for truth is essential in securing justice for victims, especially as recent years have seen a significant increase in the use of scientific techniques such as narcoanalysis to investigate complex and gruesome crimes that often evade traditional methods. Narco analysis, which involves administering psychotropic drugs to reduce psychological defences and uncover hidden information, has been used in several high-profile cases in India. However, its use has sparked intense constitutional and ethical debates. Critics argue that it violates the right against self-incrimination under Article 20(3) of the Indian Constitution by forcing an accused to become a witness against oneself. This article traces the historical development of narcoanalysis and outlines its procedure. It also examines the constitutional protections against forced testimony and analyses landmark judicial decisions shaping its legality and evidentiary value. The paper concludes that while narco analysis can reveal hidden truths and serve justice, its use must be carefully regulated by safeguards to ensure that the pursuit of truth does not compromise the principles of justice it aims to uphold.

Keywords: Narco Analysis, Self-Incrimination, Investigation, Criminal Justice System.

INTRODUCTION

Scientific and technological advancements have significantly transformed modern society, and the legal system has also been affected by this wave of change. As crimes become more complex and brutal, traditional investigation methods often fall short in solving intricate criminal cases. In response, investigative agencies increasingly rely on other tools to discover

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the truth and deliver justice. However, despite this progress, investigations often reach a dead end, requiring more invasive techniques like narcoanalysis.

Narco analysis is a modern interrogation technique where a suspect is given a psychotropic drug under controlled medical supervision to suppress conscious reasoning and reduce psychological defences. The term “Narco” comes from the Greek word “*narke*,” meaning numbness or stupor. The concept was first introduced by Horselley.¹ It has been used as a tool for criminal investigation long before it was adopted in India. Its first use on criminals occurred in the United States in 1922.

The Narco Analysis test, often referred to as the ‘truth serum test’, is believed to aid in uncovering the truth by bringing out repressed thoughts, feelings, or memories. Over time, this technique has become part of several high-profile Indian cases, including the 2007 Hyderabad twin blasts, the Aarushi Talwar murder case, the Abdul Karim Telgi fake stamp paper scam, and more recently, the Shraddha Walker murder case. Its use underscores a growing reliance on scientific methods to penetrate the silence that often surrounds serious crimes.

However, the narco analysis procedure remains highly controversial. Critics argue that it amounts to an intrusive interference with the mental autonomy of the individual, constituting psychological coercion. This raises serious questions about whether administering such a test infringes the fundamental rights against self-incrimination enshrined in Article 20(3) of the Constitution of India. It is against this backdrop that the debate continues over whether the use of narco analysis truly violates the constitutional protection guaranteed under Article 20(3).

HISTORICAL BACKGROUND

The roots of narcoanalysis can be traced back to an experiment in 1804, when Thomas De Quincy observed that substances like opium, much like wine, interfered with a person’s mind and prompted the disclosure of hidden thoughts and emotions.² Earlier, investigators used the oldest trick in the book, the use of alcohol for extracting truth from the suspect. They believed in the time-honoured aphorism in “*vino veritas*”, which means “where there is wine, there is truth”. From 1903 to 1915, investigators began using mild forms of anaesthesia that were commonly employed in obstetrical practices. Narcosis, an induced state of semi-consciousness,

¹ Gawsia Farooq Khan, ‘Narco Analysis Test: A blessing to Criminal Justice System, it’s Reliability and Admissibility in light of various Judgments’ (2018) 4 International Journal of Law 311

² Ibid

was achieved by using drugs like cocaine, ether, alcohol, scopolamine, barbiturates, hallucinogens, etc.

In the USA, the first documented use of narcoanalysis took place in 1922, when a Texas doctor, Dr. Robert House, used the drug scopolamine on two prisoners. His work earned him the title “father of truth serum.”³ During and after the war years, the United States armed forces and intelligence agencies persisted in experimenting with so-called “truth drugs”, a practice that was later carried forward by the Central Intelligence Agency (CIA). In 2002, during the Godhra Carnage Case, the narco analysis test was initially used in India. It was done in the Bangalore Forensic Science Laboratory in 2001 on an individual associated with offences committed by Veerappan.⁴

PROCEDURE OF NARCO ANALYSIS

The Narco analysis is conducted by mixing 3 grams of sodium pentothal or sodium amytal dissolved in 3000 mL of distilled water. In this test, the subject's inhibitions are lowered by interfering with his nervous system at the molecular level. In this state, it becomes difficult, though not possible, for the accused to lie. The subject can answer only simple but specific questions.

Experts inject a subject with drugs like sodium pentothal or sodium amytal under the controlled circumstances of a laboratory. This drug works by inhibiting the brain's thought filtration process. The idea behind this is that when we lie, our brain filters our thoughts and determines what to reveal and what to hide. With this test, a person cannot filter their thoughts and is expected to tell the truth. The dose is dependent on the person's age, health, and physical conditions. Improper dose or administration can result in abrupt reductions in blood pressure and respiratory failure, making narco analysis especially dangerous for people who have respiratory illnesses like asthma.⁵

³ Suresh Kumar, ‘Narco Analysis Test’ (2020) 4 IJMH 7

⁴ Rudra Narayan Sahoo, ‘Unveiling the truth: The Efficacy of Narco Analysis in Criminal’ (2024) 11 IJRAR 601

⁵ Niranjana Rajalakshmi, ‘What Is a Narco Analysis Test?’ (The Wire Science, 8 October 2020) <https://science.thewire.in/the-sciences/narcoanalysis-test-sodium-thiopental-hathras-case-gaba-anaesthesia-ethics/> accessed 07 July 2025

There are four stages by which the narco analysis takes place:

Pre-Test Interview- The subject is fully briefed about the procedure, its purpose, and associated risks. Informed consent is obtained from the subject. A basic medical fitness evaluation is conducted to assess the subject's fitness for the test.

Pre-Narcotic State- The anaesthetist administers sodium pentothal to the subject, which induces a condition of relaxation, drowsiness, and decreased inhibitions in the individual. This is also known as a "twilight state" or "semi-conscious state." The person remains cognizant but may feel detached or in a dream-like state.

Semi-Narcotic State- The subject is questioned by qualified professionals, such as forensic psychologists or investigators, while in the induced condition to obtain information or statements related to the crime. The responses of the subjects are recorded and preserved for future research.

Post-Test Interview- The patient is progressively pulled out of the induced condition following the questioning session. A post-assessment may be performed to evaluate the subject's status and provide any medical care or support that is required. A detailed report, along with the recorded responses, is made to be used as corroborative evidence.

The Narco analysis test is done by a team comprising of anaesthesiologist, a psychiatrist, a forensic psychologist, an audio-videographer, and supporting nursing staff. The revelation made during the test is recorded both in video and audio cassettes. The report prepared by the experts is used to collect other evidence. This procedure is conducted in government hospitals after a court order is passed instructing the authorities to conduct the test. The reliability of the narco analysis results can be further evaluated by administering polygraph tests and brain mapping tests on the subject.

DECODING ARTICLE 20(3): THE RIGHT AGAINST SELF-INCRIMINATION

Article 20(3) of the Indian Constitution states that no person accused of an offence shall be compelled to be a witness against himself.⁶ It is founded on the legal maxim "*nemo tenetur seipsum accusare*", which translates to "no one is bound to accuse himself". This reflects the fundamental safeguard against self-incrimination, which stands as one of the essential pillars

⁶ Constitution of India 1950, art 20(3)

of the Indian Constitution. The primary purpose of Article 20(3) is to guarantee that any statement admitted as evidence is both voluntary and reliable. The safeguard provided by Article 20(3) extends even to the investigation phase of criminal proceedings. When read alongside Section 161(2) of the Code of Criminal Procedure, 1973, (now Section 180(2) of the Bharatiya Nagarik Suraksha Sanhita, 2024), it offers protection not just to accused persons, but also to suspects and witnesses during investigations.⁷

The safeguard provided by Article 20(3) stems from the concerns that if courts allow the compulsory extraction of information from an accused, it may lead to the use of force or torture to obtain information. In such situations, Article 20(3) ensures protection against compelled self-incrimination. Self-incrimination is the act of saying or doing something that indicates one's guilt in a crime. It involves making a statement or providing information that accuses oneself of committing an offence. This constitutional privilege enables the maintenance of human privacy and observation of civilised standards in the enforcement of criminal justice. This constitutional safeguard consists of three essential components that must coexist before the protection of Article 20(3) can be claimed. These components are:

A person is accused of an offence: The protection guaranteed by Article 20(3) extends only to an accused, meaning individuals who have been formally accused of committing an offence, which course may result in prosecution.⁸ In *Nandini Satpathy v P.L.Dani*,⁹ the Supreme Court adopted a broader interpretation of this requirement. The Court held that the expression “accused of an offence” not only includes a person formally named as an accused in the police report but also extends to suspects.

Protection against compulsion to be a witness: Article 20(3) safeguards individuals from being forced to testify against themselves. The term “to be a witness” refers to the act of providing oral or written statements, either during a trial or during an investigation, by an individual accused of an offence. This protection is not limited to confessions but also covers incriminatory statements.

The phrase “to be a witness” is not equivalent to “furnishing evidence”. It can also involve presenting documents or other materials that could be relevant in determining the accused's

⁷ *Selvi v State of Karnataka* (2010) 7 SCC 263

⁸ *MP Sharma v Satish Chandra* (1954) 1 SCC 385

⁹ *Nandini Satpathy v P.L.Dani* (1978) 2 SCC 124

guilt or innocence during the trial.¹⁰ In *State of Bombay v Kathi Kalu Oghad*,¹¹ the court rejected this earlier view and stated that self-incrimination is the disclosure of information derived from the personal knowledge of the accused. The **court** further held that producing documents does not amount to self-incrimination unless those documents include incriminatory statements made by the accused themselves.

Compulsion must be to give evidence against himself: The safeguard under Article 20(3) is limited to instances where an accused is forced to provide evidence against himself. In *Kalawati v State of Himachal Pradesh*,¹² the Supreme Court ruled that this protection does not extend to situations where an accused voluntarily confesses without any pressure, inducement, or threat.

Compulsion is where a man is forced to do an act by injury, beating, or unlawful imprisonment. In *Nandini Satpathy v P.L.Dani*,¹³ the Supreme Court widened the scope of compulsion and held that “compelled testimony encompasses not only evidence obtained through physical force but also through psychological coercion, environmental pressure, prolonged interrogation, and other oppressive methods.

NARCO ANALYSIS: A VIOLATION OF ARTICLE 20(3)?

The Narco analysis test is often hailed as a powerful investigative tool, but it has faced constitutional scrutiny in India. It has been argued that the test is a violation of the rights against self-incrimination, privacy rights, and its admissibility as evidence.

The results obtained from the narco analysis test include a testimonial character. The Supreme Court in the *State of U.P. v Sunil*¹⁴ opined that the narco analysis test is equivalent to giving verbal testimony under the influence of drugs, and it’s not different from ordinary interrogation. Thus, compelling the subject to undergo the narco analysis test is testimonial compulsion and comes under the purview of Article 20(3).

In *Selvi v State of Karnataka*,¹⁵ the Supreme Court addressed the concerns over the narco analysis test. The court observed that subjecting an accused to a narco analysis test and other scientific tests against his will is a violation of Article 20(3). It was further held that compelling

¹⁰ *MP Sharma v Satish Chandra* (1954) 1 SCC 385

¹¹ *State of Bombay v Kathi Kalu Oghad* (1962) 3 SCR 10

¹² *Kalawati v State of Himachal Pradesh* (1953) SCR 546

¹³ *Nandini Satpathy v P.L.Dani* (1978) 2 SCC 124

¹⁴ *State of U.P. v Sunil AIR 2017 SC 2150*

¹⁵ *Selvi v State of Karnataka* (2010) 7 SCC 263

an accused to undergo these tests violates the substantive due process and constitutes an unjustified infringement on personal liberty. Article 20(3) does not bar the application of the narco analysis test if they are conducted voluntarily, provided that certain essential safeguards are strictly followed. The National Human Rights Commission's (NHRC) guidelines of 2000 lay down these protections, which include:

1. No lie detector tests, narco analysis tests, or other scientific tests can be carried out without the consent of the accused. The choice of whether to undergo such tests or not must be given to the accused.
2. If the accused opts to undergo such tests, access to a lawyer must be given to him. The physical, psychological, and legal consequences of the tests must be thoroughly explained to him by his lawyer and the police.
3. The consent of the accused must be officially recorded before a Judicial Magistrate.
4. During the proceedings before the Judicial Magistrate, the accused must be properly represented by a lawyer.
5. It must also be explicitly stated to the individual that any statement made by him will not be treated as a confessional statement to the Magistrate, but rather as a statement given to the police.
6. The Magistrate is required to take into account all the circumstances relevant to the detention, such as the nature of the interrogation and the length of detention.
7. The recording of the tests must be carried out by an independent body, like a hospital, and it must take place in the presence of the accused's lawyer.¹⁶

In *Amlesh Kumar v State of Bihar*,¹⁷ the Supreme Court struck down the Patna High Court's order that had permitted the administering of an involuntary narco analysis test and ruled that under no situation, the law permit the use of an involuntary narco analysis test. This decision upheld the legal principles established in *Selvi v State of Karnataka*.¹⁸ The court further clarified that an accused may voluntarily seek to undergo a narco analysis test, but only at an appropriate stage of the trial, which is when the accused is exercising the right to present evidence in defence. Even then, this is not an absolute right and is subject to the discretion of the court.

¹⁶ Ibid

¹⁷ *Amlesh Kumar v. State of Bihar* (2025) SCC OnLine SC 1326

¹⁸ *Selvi v State of Karnataka* (2010) 7 SCC 263

In conclusion, the involuntary administered narcoanalysis test is a violation of Article 20(3) of the Indian Constitution. Only the narco analysis test conducted strictly by the guidelines laid down by the National Human Rights Commission can be conducted. This framework seeks to balance the needs of effective investigation with the fundamental rights of individuals and ensures that the criminal justice system upholds constitutional guarantees and does not sacrifice them in the pursuit of expediency.

TRUTH SERUM: ADMISSIBLE OR NOT?

The Narco analysis test has become an effective tool in collecting and supporting evidence. However, it has sparked debates over whether the results yielded from this test are admissible as evidence or not. Critics argue that the test interferes with the mental capacities of an individual, and a statement made by a semi-conscious person who loses control over their brain during the test should not be admissible as evidence in court.

In India, the courts have addressed doubts through judicial precedents. It is well established that the outcome of a narco analysis test, even when conducted with the voluntary consent of the accused, cannot be the sole basis for a conviction. Judicial precedents such as *Vinobhai v State of Kerala* and *Manoj Kumar Soni v State of Madhya Pradesh*¹⁹ have clarified this point. It was held that disclosure statements are significant in unravelling a case, but these statements alone do not constitute strong evidence. While such tests may assist investigations, their evidentiary value is limited. The court considers the circumstances under which the test was conducted to assess its admissibility. If, after evaluating these circumstances, the court rules the results inadmissible, they cannot be used to support other evidence. The results of a narco analysis test cannot be used as direct evidence; they may only be used when corroborated by other evidence or to support other evidence. For example, if an accused in a murder case discloses the location of the murder weapon during the test and the police subsequently recover the weapon from that location, the statement in the test is not admissible as evidence in court, but the physical evidence obtained through the test is admissible. If the narco analysis test is conducted with informed and voluntary consent, any facts discovered after the test may have evidentiary value under Section 27 of the Evidence Act, 1872, and the test results may be used to support that discovery.

¹⁹ *Manoj Kumar Soni v State of Madhya Pradesh* (2023) SCC OnLine SC 984

Since the validity of the test and admissibility of narco analysis is upheld taking into consideration the circumstances under which it was obtained, there is a little possibility of miscarriage of justice when administered as per procedure prescribed and observing the due safety precautions, the apprehension on the part of the counsels of the accused and critics of the narco analysis test is unwarranted.

CONCLUSION

Narco analysis has made significant strides in the field of criminal investigations. When an investigation reaches a dead end, such tests are often resorted to aid the pursuit of justice and protect the innocent. It is generally considered a violation of rights only when an accused is compelled to undergo a narcoanalysis test involuntarily. Judicial pronouncements have consistently held that such tests do not violate the fundamental rights of the accused if it's conducted with their clear, informed, and voluntary consent. Narco analysis is not an unjustified means of intruding on the accused's mind; rather, it serves as an investigative tool to uncover the truth if employed with proper safeguards.

A compelling example is the 2006 Nithari case, which involves the gruesome rape, murder and dismemberment of at least 19 young women and children, whose remains were found dumped in a sewer in Noida. Without narco analysis in such a horrifying case, if the accused's right against self-incrimination were upheld at the cost of the victims' right to justice and the right to life under Article 21, it would render the concept of justice hollow and meaningless. In such extreme scenarios, prioritising the rights of innocent victims is essential to uphold the spirit of justice.

However, it is equally important to recognise that even when the test is conducted with the accused's consent, it demands strict safeguards. The possibility of subtle coercion or psychological pressure in a custodial setting to take the narco analysis test can't be ignored and raises serious questions about whether the consent obtained is truly free and voluntary.

Narco analysis test can illuminate dark corners of criminal conspiracies and expose concealed truths, if conducted with clear consent. As emphatically held in *Selvi v State of Karnataka*,²⁰ such tests are not a violation of Article 20(3) of the Indian Constitution if safeguards are

²⁰ *Selvi v State of Karnataka* (2010) 7 SCC 263

followed. Continuous medical supervision and vigilant judicial oversight are required to ensure that this investigative tool does not devolve into a tool of oppression.