



NARCO ANALYSIS IN INDIA: INVESTIGATIVE TOOL OR CONSTITUTIONAL VIOLATION?

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ABSTRACT

Narco-analysis is a forensic investigative technique in which drugs such as sodium pentothal are administered to an individual to induce a semi-conscious state for the purpose of obtaining information during a criminal investigation. Over the years, the technique has gained attention in India due to its use in several sensational criminal cases involving terrorism, murder, and organised crime. Although investigating agencies consider narco-analysis a useful scientific tool for obtaining leads, its constitutional validity has remained highly controversial. The use of narco-analysis raises serious concerns regarding fundamental rights guaranteed under the Constitution of India, particularly the right against self-incrimination under Article 20(3) and the right to privacy, dignity, and personal liberty under Article 21. Questions have also been raised regarding the scientific reliability of the technique, as a person under the influence of sedative drugs may provide inaccurate, imaginary, or involuntary responses. The Supreme Court in Selvi v. State of Karnataka declared involuntary narco-analysis unconstitutional and emphasised the importance of mental privacy and procedural fairness in criminal investigations. This article examines narco-analysis as an investigative technique and critically analyses its constitutional and evidentiary implications in India. It further evaluates the balance between effective criminal investigation and protection of fundamental rights in a constitutional democracy.

Keywords: Narco-Analysis, Article 20(3), Self-Incrimination, Criminal Investigation, Constitutional Rights.

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INTRODUCTION

The system of criminal investigation has changed significantly from traditional methods to advanced scientific methods. Centuries back, investigation was done manually on the reliability of a person's statement and physical evidence only, but now with modern technology and advancement of science, a new concept was introduced, termed "Narco Analysis", which is also known as the "truth serum" test. It is derived from the Greek word "narke", meaning "stupor" or "numbness".¹ It is one of the techniques of forensic science that applies scientific principles and techniques to the investigation of crimes and legal disputes. Under this technique, a drug known as 'sodium pentothal'² is administered to the person, due to which a person goes into a semi-conscious state, believed to have lower inhibition and encourages truthful disclosure.

The technique has been used in several sensational criminal investigations in India, particularly in cases like murder, terrorism and organised crimes. Supporters argue that narco-analysis helps investigating agencies obtain valuable leads and accelerate the process of investigation.

However, increasing use of Narco analysis has also generated significant legal and constitutional issues. Critics argue that forcing a person to undergo this test leads to a violation of Article 20(3) of the Constitution³, which is the right against self-incrimination and a fundamental right under Article 21, right to personal liberty and privacy.⁴ Questions have also been raised regarding the scientific reliability of the test and the possibility of misuse by investigating authorities.

In this context, a question arises: Can a state compel an individual to undergo a narcoanalysis test in the interest of criminal investigation? This article seeks to examine the constitutional validity of narco analysis in India, its evidentiary value, and the judicial approach adopted by the Indian court. It further analyses whether the use of this technique is justified in a constitutional democracy who give significant importance to personal liberty and human dignity.

¹ Adv Hemant More, 'Use Narco-Analysis in Forensic Science' (The Legal Quotient, 18 April 2024) <https://thelegalquotient.com/criminal-laws/forensic-science/narco-analysis/3455/> accessed 17 May 2026.

² Sodium Pentothal, also known as Sodium Thiopental, is a rapid-onset, short-acting barbiturate anesthetic

³ Article 20, clause (3) of the Indian Constitution, 1950

⁴ Article 21 of the Indian Constitution, 1950

MEANING AND PROCESS OF NARCO ANALYSIS

Narco analysis is a technique of forensic science that is used by investigating agencies during criminal investigations to acquire information from a suspect or accused person.

In narco-analysis, a drug known as sodium pentothal is administered to a person in a controlled quantity by medical experts. The drug places the person in a semi-conscious or hypnotic state from which investigators ask questions with the expectation that the person may reveal truth or hidden information more freely. The procedure is generally conducted in the presence of doctors, psychologists, and forensic experts to monitor the physical and psychological condition of the individual.⁵

The underlying assumption behind narco analysis is that a person in a semi-conscious state may find it difficult to fabricate a false statement. However, the technique itself is not considered scientifically foolproof or completely reliable. Medical experts and psychologists have found that a person undergoing narco analysis may become highly suggestible and may mix imagination, fantasy, confusion or false memories with facts.

In some situations, the subject may provide misleading or inaccurate information due to fear, mental pressure, or hallucination-like conditions. Therefore, the reliability and admissibility of narco-analysis have remained controversial in criminal justice systems.⁶

LEGAL FRAMEWORK IN INDIA

Narco analysis in India doesn't have its specific statutory framework that directly regulates its administration, procedure or evidentiary use. There is no separate legislation that expressly authorises investigating agencies to conduct narco analysis tests on an accused person or witnesses. Judicial interpretation and constitutional principles have evolved the legality of this technique. In the absence of a clear legislative framework, courts have played an important role in determining the permissibility and limitations of such investigative techniques.⁷

One of the most important aspects relating to narco analysis is the issue of consent. The Supreme Court in *Selvi v. State of Karnataka* held that the involuntary administration of narco

⁵ *Selvi v State of Karnataka* (2010) 7 SCC 263.

⁶ Vepa P. Sarathi's Law of Evidence.

⁷ Adv Hemant More, 'Use Narco-Analysis in Forensic Science' (The Legal Quotient, 18 April 2024) <https://thelegalquotient.com/criminal-laws/forensic-science/narco-analysis/3455/> accessed 17 May 2026.

analysis violates the fundamental rights guaranteed under Article 20(3) and Article 21 of the Constitution of India. Article 20(3) protects an accused person from being compelled to become a witness against themselves, while Article 21 guarantees the right to personal liberty, dignity, and privacy.⁸ The Court observed that forcing an individual to undergo such tests amounts to compelled testimony and an intrusion into mental privacy.⁹

The evidentiary value of narco-analysis also remains limited under Indian law. Statements made during narco-analysis are generally not considered directly admissible as evidence because they are not made voluntarily and may lack reliability. However, information or material discovered subsequently with the help of such statements may sometimes become relevant under evidentiary rules. The Bharatiya Sakshya Adhiniyam, 2023, emphasises voluntariness and reliability in the admissibility of evidence, which creates further challenges for the acceptance of narco-analysis results in court proceedings.¹⁰

Narco-analysis is therefore situated at the intersection of forensic investigation, criminal procedure, and constitutional protections. While investigating agencies may view it as a scientific tool for solving crimes, its use continues to raise concerns regarding human rights, procedural fairness, and abuse of investigative powers.¹¹

CONSTITUTIONAL ISSUES INVOLVED

Right Against Self-Incrimination under Article 20(3): One of the major constitutional concerns surrounding narco-analysis is its possible violation of Article 20(3) of the Constitution of India, which states that “No person accused of an offence shall be compelled to be a witness against himself.” This provision protects individuals from forced self-incrimination and ensures fairness during criminal investigations. The principle behind this right is that the prosecution must establish guilt through lawful evidence rather than by compelling the accused to provide information against themselves.¹²

Narco-analysis raises serious concerns because the information is extracted when a person is in a semi-conscious or hypnotic state after the administration of drugs such as sodium pentothal. In such a condition, the subject may not have complete control over their responses.

⁸ Constitution of India arts 20(3) and 21.

⁹ *Selvi v State of Karnataka* (2010) 7 SCC 263.

¹⁰ Bharatiya Sakshya Adhiniyam, 2023.

¹¹ Constitution of India arts 20(3) and 21.

¹² Constitution of India art 20(3).

Critics argue that this amounts to involuntary extraction of information and compelled testimony. Since the person is not in a fully conscious state, the statements cannot be considered completely voluntary. This directly conflicts with the constitutional protection guaranteed under Article 20(3).¹³

The Supreme Court in *Selvi v. State of Karnataka* observed that forcibly subjecting an individual to narco-analysis violates the right against self-incrimination. The Court held that compelling a person to reveal personal knowledge through scientific techniques intrudes into an individual's mental privacy and undermines the constitutional guarantee against testimonial compulsion.¹⁴

Right to Privacy and Dignity under Article 21: Narco-analysis also raises concerns under Article 21 of the Constitution of India, which guarantees the right to life and personal liberty. Over the years, judicial interpretation has expanded Article 21 to include rights such as privacy, dignity, bodily autonomy, and mental integrity. Modern constitutional jurisprudence recognises that personal liberty extends beyond mere physical freedom and includes protection against arbitrary intrusion into an individual's mind and body.¹⁵

The administration of narco-analysis involves interference with both bodily autonomy and mental privacy. Since drugs are forcibly introduced into a person's body to obtain information, the procedure affects an individual's control over their own body and consciousness. Furthermore, the technique attempts to access thoughts and memories that a person may not wish to disclose. This creates serious concerns regarding human dignity and personal liberty. Critics argue that even during a criminal investigation, constitutional rights cannot be ignored in the name of public interest or efficiency.¹⁶

The right to privacy recognised by the Supreme Court in *Justice K.S. Puttaswamy v. Union of India* further strengthens the argument against involuntary narco-analysis. The judgment emphasised that privacy includes decisional autonomy and protection of mental processes from State intrusion. Therefore, forced narco-analysis may amount to an unconstitutional invasion of both bodily and mental privacy.¹⁷

¹³ Vepa P. Sarathi's Law of Evidence.

¹⁴ *Selvi v State of Karnataka* (2010) 7 SCC 263.

¹⁵ Constitution of India art 21.

¹⁶ Batuk Lal's Law of Evidence.

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

Consent and Coercion: Another important issue relating to narco-analysis is whether consent given by an accused person can truly be considered voluntary, particularly while in police custody. In many situations, the accused may face pressure, fear, intimidation, or psychological influence from investigating authorities. As a result, the possibility of free and informed consent becomes doubtful.¹⁸

There are also concerns regarding the misuse of narco-analysis as an investigative shortcut. Investigating agencies may rely excessively on such techniques instead of conducting an independent, evidence-based investigation. Human rights activists and legal scholars have argued that permitting involuntary narco-analysis may increase the risk of custodial abuse and weaken procedural safeguards guaranteed under criminal law.¹⁹

The Supreme Court in the Selvi judgment emphasised that consent must be voluntary and informed, and even when consent is obtained, strict procedural safeguards must be followed. The Court recognised that scientific investigation cannot override constitutional protections and that the dignity and liberty of individuals must remain protected within the criminal justice system.²⁰

JUDICIAL APPROACH TOWARDS NARCO-ANALYSIS

The judicial approach towards narco-analysis in India has primarily been shaped by the landmark judgment of *Selvi v. State of Karnataka*. Before this decision, investigating agencies in several criminal cases frequently sought permission from courts to conduct narco-analysis, brain mapping, and polygraph tests on accused persons and suspects. These techniques were often justified as necessary tools for solving complex crimes, terrorism-related offences, and sensational investigations. However, concerns regarding constitutional rights, individual liberty, and misuse of scientific techniques gradually led to judicial scrutiny.²¹

The Selvi case arose from multiple petitions challenging the involuntary administration of narco-analysis, polygraph examinations, and Brain Electrical Activation Profile (BEAP) tests during criminal investigations. The petitioners argued that forcing individuals to undergo such

¹⁸ *Nandini Satpathy v P.L. Dani* (1978) 2 SCC 424.

¹⁹ Adv Hemant More, 'Use Narco-Analysis in Forensic Science' (The Legal Quotient, 18 April 2024) <https://thelegalquotient.com/criminal-laws/forensic-science/narco-analysis/3455/> accessed 17 May 2026.

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

²¹ Adv Hemant More, 'Use Narco-Analysis in Forensic Science' (The Legal Quotient, 18 April 2024) <https://thelegalquotient.com/criminal-laws/forensic-science/narco-analysis/3455/> accessed 17 May 2026.

techniques violated their fundamental rights guaranteed under Articles 20(3) and 21 of the Constitution of India. They contended that these methods compelled individuals to disclose personal knowledge against their will and interfered with mental privacy and personal liberty.²²

The Supreme Court extensively examined the constitutional validity of these investigative techniques and delivered a significant judgment in 2010. The Court held that involuntary administration of narco-analysis, polygraph tests, and BEAP tests is unconstitutional. It was observed that forcing a person to undergo such procedures amounts to testimonial compulsion prohibited under Article 20(3), which protects an accused person from being compelled to become a witness against themselves.

The Court emphasised that statements made during narco-analysis cannot be considered truly voluntary because the subject is placed in a semi-conscious state through the administration of drugs such as sodium pentothal. In this condition, the person may lose conscious control over responses and may reveal personal information involuntarily. According to the Court, extracting information through such means violates the constitutional protection against self-incrimination.²³

Another important aspect discussed by the Supreme Court was the issue of personal liberty and mental privacy under Article 21. The Court recognised that narco-analysis intrudes into an individual's mental processes and affects personal autonomy. It was observed that constitutional protections extend not only to physical privacy but also to mental privacy and human dignity. The forcible administration of scientific techniques that interfere with an individual's thought processes was therefore considered an unjustified intrusion into personal liberty.²⁴

The Court also questioned the scientific reliability of narco-analysis. It noted that a person under the influence of sedative drugs may provide inaccurate, imaginary, or misleading responses. Since the subject is in a vulnerable psychological state, there is a possibility of confusion, suggestibility, and false memories. Therefore, the Court held that such techniques cannot be treated as completely reliable methods of investigation or evidence collection.²⁵

²² *Selvi v State of Karnataka* (2010) 7 SCC 263.

²³ *Selvi v State of Karnataka* (2010) 7 SCC 263.

²⁴ Constitution of India art 21.

²⁵ Batuk Lal's Law of Evidence.

One of the most significant holdings of the Selvi judgment was that narco-analysis cannot be conducted without the voluntary consent of the individual concerned. Even where consent is obtained, the Court directed that strict procedural safeguards must be followed. These safeguards include ensuring informed consent, access to legal counsel, and medical supervision during the procedure. The Court further clarified that the results of narco-analysis themselves are not directly admissible as evidence because they are not made voluntarily. However, any material or facts subsequently discovered with the help of voluntarily disclosed information may have limited evidentiary relevance under the law.

The Selvi judgment remains a landmark decision in Indian constitutional jurisprudence because it reaffirmed the importance of individual rights and procedural fairness within the criminal justice system. The decision established that scientific advancements in criminal investigation cannot override constitutional guarantees relating to dignity, liberty, and protection against self-incrimination.²⁶

EVIDENTIARY VALUE OF NARCO-ANALYSIS

The evidentiary value of narco-analysis remains one of the most controversial aspects of its use in criminal investigations. Under Indian law, statements made during narco-analysis are generally not considered directly admissible as evidence because they are not made voluntarily and are obtained when the individual is in a semi-conscious state. The law of evidence in India places significant importance on voluntariness and reliability while determining the admissibility of statements made by an accused person.²⁷

The Supreme Court in *Selvi v. State of Karnataka* held that involuntary narco-analysis violates Article 20(3) of the Constitution of India and, therefore, statements obtained through such methods cannot be treated as valid testimonial evidence. The Court observed that since the subject does not exercise conscious control over responses during the procedure, the statements cannot be regarded as voluntary disclosures.²⁸

However, the Court also clarified that derivative evidence discovered subsequently with the help of information obtained during narco-analysis may sometimes have limited evidentiary

²⁶ *Justice K.S. Puttaswamy v Union of India* (2017) 10 SCC

²⁷ *Bharatiya Sakshya Adhiniyam, 2023; Avtar Singh, Principles of the Law of Evidence* (Central Law Publications 2022).

²⁸ *Selvi v State of Karnataka* (2010) 7 SCC 263.

relevance. For example, if information given during the procedure leads investigators to recover a weapon, document, or other material object connected to the offence, such subsequently discovered facts may become admissible under evidentiary principles relating to the discovery of facts. Nevertheless, the statements themselves are not directly admissible as substantive evidence before the court.²⁹

Another major issue concerning narco-analysis is its scientific reliability. Medical experts and psychologists have pointed out that a person under the influence of sodium pentothal may experience confusion, imagination, suggestibility, or false memories. The subject may provide inaccurate or misleading information due to the semi-conscious psychological state induced by the drug. As a result, the reliability of narco-analysis has been repeatedly questioned by courts and legal scholars.³⁰

Therefore, while narco-analysis may sometimes assist investigating agencies in obtaining leads, its evidentiary value under Indian law remains extremely limited due to constitutional protections, procedural concerns, and doubts regarding scientific accuracy.³¹

CRITICAL ANALYSIS

Narco-analysis represents a conflict between two important objectives of the criminal justice system: effective investigation and protection of constitutional rights. In recent years, investigating agencies have increasingly relied upon scientific and technological methods to solve complex crimes, especially in cases involving terrorism, murder, and organised criminal activities. Scientific techniques may undoubtedly assist the police in obtaining leads and understanding the circumstances surrounding an offence. However, the growing dependence on such methods should not result in the weakening of constitutional safeguards guaranteed to individuals.

Although narco-analysis is often defended as an effective investigative tool, its reliability and ethical legitimacy continue to remain questionable. A person under the influence of sedative drugs may provide confused, imaginary, or misleading responses, which creates serious concerns regarding accuracy. Moreover, permitting involuntary narco-analysis may encourage

²⁹ Bharatiya Sakshya Adhiniyam, 2023 s 23

³⁰ Nandini Chatterjee, 'Narco-Analysis and Its Evidentiary Value in India' (2023) 5 Indian Journal of Law and Legal Research 1.

³¹ K Verma, 'Scientific Techniques and Constitutional Safeguards in Criminal Investigation' (2022) 14 Journal of Indian Law and Society 45.

investigative shortcuts and reduce emphasis on independent evidence collection through lawful procedures. Criminal investigation in a constitutional democracy cannot be based solely on convenience or efficiency.

In my opinion, scientific advancement in criminal investigation is necessary, but such advancement must operate within constitutional boundaries. The State has a legitimate interest in maintaining public order and solving crimes, yet this objective cannot justify intrusion into an individual's mental privacy, dignity, and bodily autonomy. Rights guaranteed under Articles 20(3) and 21 of the Constitution of India exist precisely to prevent excessive State power during criminal investigation.

Therefore, instead of relying upon coercive investigative techniques, there is a need to strengthen regulated forensic practices, improve scientific infrastructure, and ensure professional investigation methods that respect procedural fairness. Constitutional protections should not be sacrificed in the pursuit of quicker investigations because the rule of law requires that justice be achieved through lawful and humane means.

CONCLUSION

Narco-analysis continues to remain one of the most debated investigative techniques within the Indian criminal justice system. While supporters consider it a useful scientific method for obtaining investigative leads in difficult cases, critics argue that it poses serious threats to constitutional rights, personal liberty, and human dignity. The controversy surrounding narco-analysis demonstrates the larger tension between efficient criminal investigation and the protection of individual freedoms.

The Supreme Court in *Selvi v. State of Karnataka* made it clear that involuntary narco-analysis violates the constitutional guarantee against self-incrimination under Article 20(3) and infringes the right to privacy and personal liberty protected under Article 21 of the Constitution of India. The judgment reaffirmed that scientific investigation cannot override fundamental constitutional protections.

Although scientific advancements have become essential in modern criminal investigation, such methods must function within the framework of legality, fairness, and respect for human rights. The use of forensic techniques should strengthen the justice system without compromising procedural safeguards and constitutional morality. In a democratic society

governed by the rule of law, the objective of criminal investigation should not merely be to secure convictions but to ensure that justice is administered through fair, humane, and constitutionally valid procedures.