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News: Narco Analysis

- **Protesting wrestlers at Jantar Mantar, Delhi have expressed their willingness to undergo narco analysis tests**, with the condition that it is monitored by the Supreme Court and broadcasted live for the entire country to witness.

Narco Test

- In a narco analysis test, **a drug called sodium pentothal is injected into the body of the accused, which transports them to a hypnotic or sedated state in which their imagination is neutralised.**
- In this hypnotic state, **the accused is understood as being incapable of lying and is expected to divulge information that is true.**
- In India, Narco analysis tests were **notably used in the 2002 Gujarat riots case, and the 26/11 Mumbai terror attack case.**

Sodium Pentothal

- Sodium pentothal, or **sodium thiopental, is a fast acting, short duration anaesthetic used in larger doses to sedate patients during surgery.**

- It belongs to the barbiturate class of drugs that act on the central nervous system as depressants.
- Because the drug is believed to weaken the subject's resolve to lie, it is sometimes referred to as a "truth serum" and is said to have been used by intelligence operatives during World War II.

Narco vs Polygraph Tests

- Narco tests must not be confused with polygraph tests, which, although having the same truth-decoding motive, work differently.
- A polygraph test is carried out on the assumption that physiological responses triggered when one is lying are different from what they otherwise would be.
- Rather than injecting drugs into the body, polygraph tests attach instruments like cardio-cuffs or sensitive electrodes to the suspect and measure variables such as blood pressure, pulse rate, respiration, and change in sweat gland activity, blood flow, etc., while the suspect is being questioned.

Legal Implications of Narco Tests

Selvi vs State of Karnataka & Anr Case 2010

- The SC ruled on the **legality and admissibility of narco tests** establishing that **the involuntary administration of narco or lie detector tests constitutes an intrusion into an individual's "mental privacy"**.
- The apex court held that **narco tests violate the fundamental right against self-incrimination under Article 20(3) of the Constitution, which states that no person accused of any offence shall be compelled to be a witness against himself.**

D.K. Basu vs. State of West Bengal case, 1997

- The **SC ruled that involuntary administration of the polygraph and narcos test will amount to cruel, inhuman, and degrading treatment in the context of Article 21 or the Right to Life and Liberty.**

Other Observations of the SC

- Narco tests are **not reliable or conclusive as evidence, as they are based on assumptions and probabilities.**

- Any information or material that is subsequently discovered with the help of voluntarily administered test results can be admitted, in accordance with Section 27 of the Evidence Act, 1872.
- For example: if an accused reveals the location of a physical piece of evidence (something like a murder weapon) in the course of the narco test and the police later find that specific piece of evidence at that location, the statement of the accused will not be treated as evidence, but the physical evidence will be valid.
- There is no guarantee that the person who undergoes such tests will reveal only the truth. There are chances of manipulation and fabrication of results by vested interests.
- Narco tests can be conducted only with the consent of the accused, and that too after informing them about their rights and consequences.
- The court also emphasised that the ‘Guidelines for the Administration of Polygraph Test on an Accused’, published by the National Human Rights Commission in 2000, must be strictly followed.