

NARCO ANALYSIS TEST AS A TOOL OF INVESTIGATION - AN EMPIRICAL SURVEY

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Abstract: To reach to the zenith of the search hypothesis of this thesis an attempt has been made through a questionnaire. The data for this empirical Research has been collected from different sources. This paper will give the Empirical survey on Doctors, Scientists, Advocates, Police officers, students taken from different fields, Tables, pie chart, suggestions etc

Keywords: *Narco-analysis Test, Empirical Survey, Pie Chart.*

Introduction

The 'narco-analysis' is a combination of two words 'narco' and 'analysis' meaning psycho-analysis, by administration of drugs for inducing a person to a condition of more or less like sleep. The state of hypnotism/semi-unconscious occurs as a result of injection of sodium pentothal/sodium Amytal (drugs) administered on the person, while questions are frequently directed at the person in that state, prepared for the purpose. The process involved is known as 'narco-analysis test'. The drugs have a common name called 'truth serum', but the extent of truthfulness to be obtained by the serum remains a debatable issue.¹ To reach to the zenith of the search hypothesis of this thesis and attempt has been made through a questionnaire. The data for this empirical Research has been collected from different sources on respondents of different occupations, namely Doctors, Scientists, Advocates, Police officers and 25 others (students taken from different fields). These people were selected randomly.

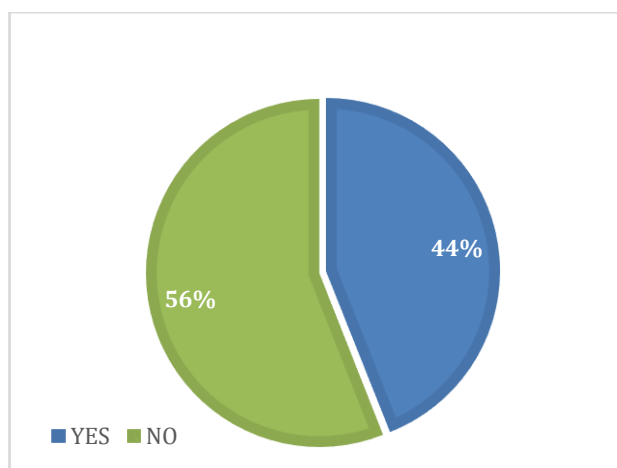
Empirical survey

During empirical survey different questions asked. Answer also given positively as well as negatively. In this paper these questions and answers given what is going on the mind of expert team about Narco analysis test and what is the suggestions for better improvement of this test. Although Narco analysis test is always a debatable issue and in limelight news also. But still only 44% respondents have detail knowledge about this test. Pie chart given below also shows this data.

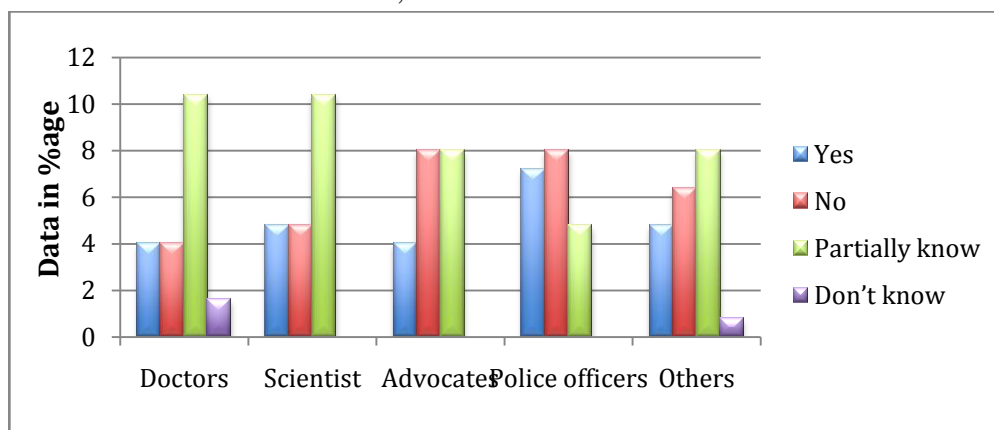
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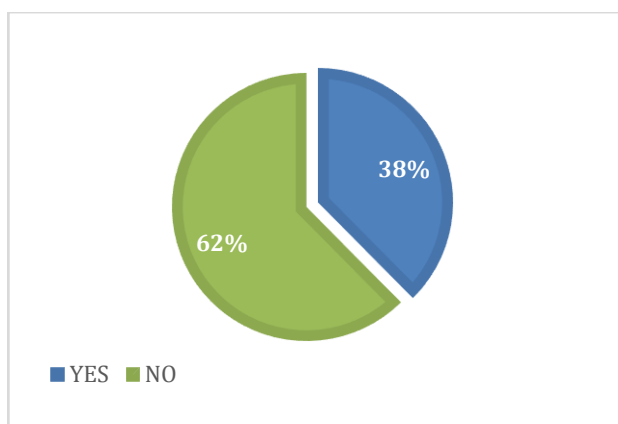
¹Anoopam Modak, *Scientific Techniques in Criminal Investigation* 199 (Universal Law Publishing an imprint of LexisNexis, Gurgaon, 2016).



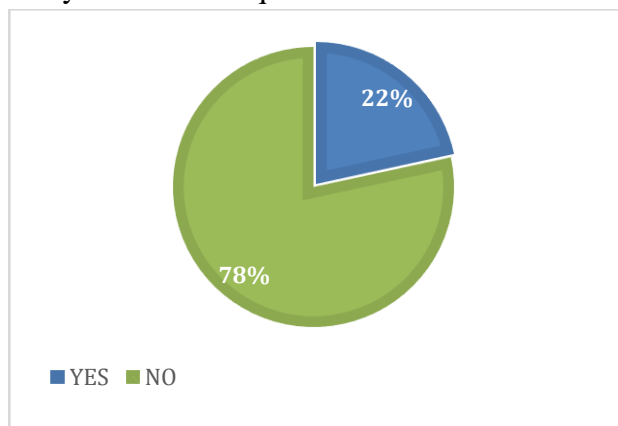
Next question asked about the evidence gathered from this test is reliable and scientifically proved, then as shown below this chart,



4% Doctors, 4% Advocates, 4.8% Scientists, 4.8% others and 7.2% Police officers think that narco analysis test give reliable and scientific data. Further, question arises about special laws on this test. As empirical survey data reveal that 83% respondents replied that there must be a law to regulate this test so that a proper procedure and guidelines should be followed during conducting this test. The most important question is whether this test violate rights of convict under Article 20(3), self-incrimination. As given under pie chart 38% respondents answered positively that narco analysis test violate right under Article 20(3) of constitution. Whereas 62.5% respondents answered negatively. That means somewhere this test does not violate the fundamental right of convict.



Many times doubt arises that narco analysis test is nothing but a form of torture. This test is a third degree torture which is given indirectly during criminal investigation by police officers. During survey on this question it is found that only 14% respondents replied that narco analysis test is a form of torture but on the other hand most of respondents that is maximum 85% respondents were in favor that this test is not a torture but a modern scientific technique used during investigation to extract information from the mind of suspect. Hence, the test results taken from this test by expert team was based on voluntary consent of the person is subjected said test. In 2010, selvi vs. state of karnataka², it is declared by Hon'ble Supreme court that Narco analysis test is unconstitutional. But still this test is used by different courts in different cases. When survey done on this question then data reveals under given pie chart that

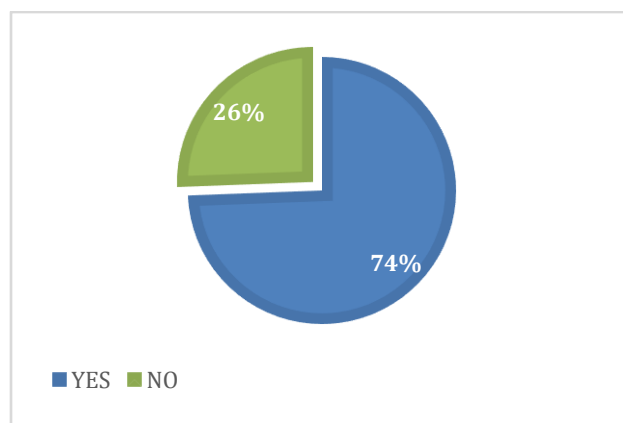


78% respondents said that they know that narco analysis test declared unconstitutional by Hon'ble Supreme Court. But it is again used by investigative agency many times during investigation. According to them, this test declared unconstitutional only if not followed by guidelines provided by National Human Right Commission and Hon'ble Supreme court after

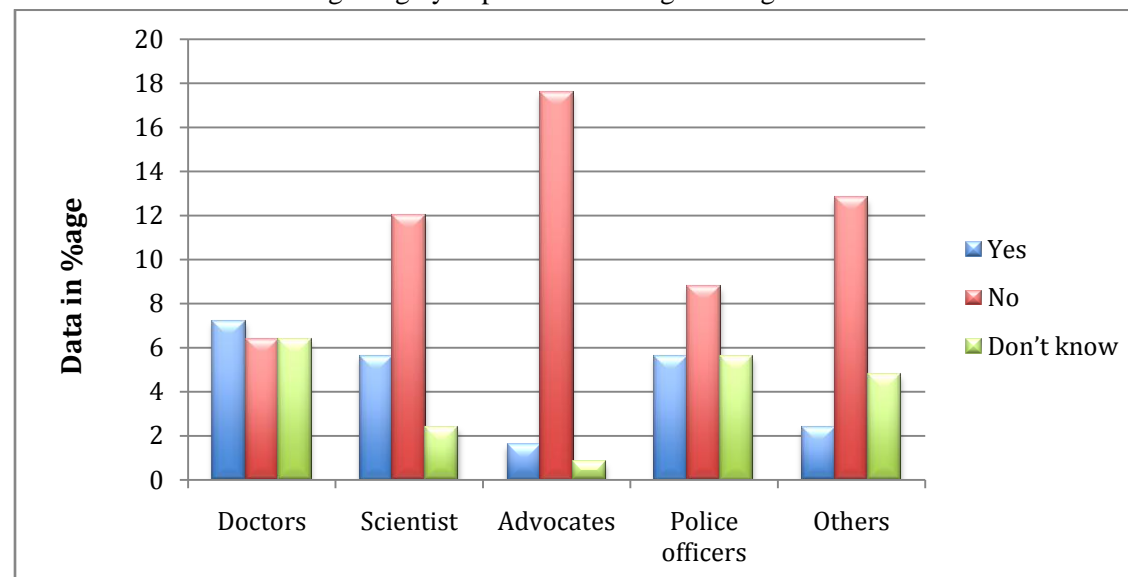
²2010 7 SCC 263.

selvi case.

Narco analysis test is used to get accurate information but the data get is not hundred percent accurate and conviction and acquittal is not based upon this data. During survey chart as given under shows that



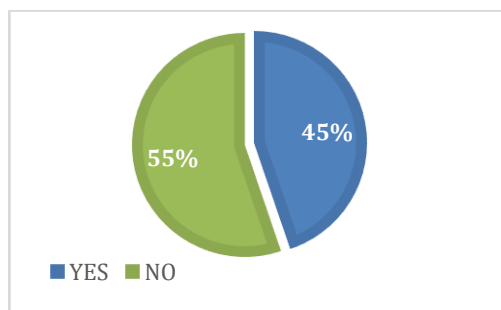
74% respondents replied affirmative that this test conducted to get accurate data. Thus, if no specimens are discovered at the scene of the crime then information stored in the brain of the offender is always available for examination by this test. After getting this data next question also connected that is court bound on this data getting by expert team during investigation.



as per above chart, it is concluded that 7.2% Doctors, 5.6% Scientists, 1.6% Advocates, 5.6% Police officers and 2.4% other answers positively whereas 6.4% Doctors, 12% Scientists, 17.6% Advocates, 8.8% Police officers and 12.8% other replied their answered negatively. Therefore, Judiciary does not

completely allow or disallow the expert opinion under narco analysis test.

The last and ultimate debatable issue is evidentiary value of narco analysis report. Pie chart given under shows that



44.8% responded replied that there is no law which deal with the admissibility of scientific evidence inducing Narco Analysis test whereas 54.2% respondents replied negatively as shown in pie chart. In the case of, **Ramchandra and Ors. v. State of Maharashtra**³, upheld the legality of the use of P300 or Brain finger-printing, lie-detector test and the use of truth serum or narco-analysis. The court upheld a special court order given by the special court in Pune, allowing the SIT to conduct scientific tests on the accused in the fake stamp paper scam including the main accused, Abdul Karim Telgi. The verdict also said the evidence procured under the effect of truth serum is also admissible.

Conclusion

Empirical survey on Narco analysis test as a tool of investigation reveals that it would not be correct to stop using this test during criminal investigation by Investigative agency. In **Rojo George v. Deputy Superintendent of Police**⁴, the narco-analysis test Court is of the opinion that in present day the criminal started to use very sophisticated and modern technique for committing the crime. So the conventional method of investigation and questioning to the criminals will not be successful for solution and there is need to utilize some new techniques such as polygraph, brain mapping and narco-analysis. Court also said that when such techniques used in the presence of expert then it can't be raised that the investigating agencies violated the fundamental human rights of any citizen of India.

³2004 All MR (cri) 1704.

⁴ High Court Kerela WP(C) No 6245 of 2006 (U).