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## The Admissibility Dilemma: Judicial Scrutiny Of Narco Analysis In India

**Author: Mrs. Sony Jonna**

Research Scholar

Department of Law, Sri Padmavati Mahila Visvavidyalayam,  
Tirupati, Andhra Pradesh

**Co-Author: Prof. T. Sitakumari**

Department of Law, Sri Padmavati Mahila Visvavidyalayam,  
Tirupati, Andhra Pradesh

### **Abstract**

In the Indian legal system, the use of narco analysis as an investigative method has sparked a heated discussion about its constitutionality and admissibility as evidence. Critics highlight how it violates the fundamental rights protected by Articles 20(3) and 21 of the Indian Constitution, while supporters contend that it helps extract the truth and speeds up criminal investigations. This study tracks the development of judicial scrutiny of Narco Analysis in India from investigative zeal to constitutional scepticism. The study examines how the judiciary has struck a balance between the pursuit of truth and the defence of individual liberty and human dignity through a doctrinal analysis of significant court rulings, such as *Selvi & Ors. v. State of Karnataka* (2010). It also examines international human rights viewpoints in conjunction with statutory provisions found in the Code of Criminal Procedure and the Indian Evidence Act. The results show that although Narco Analysis may have some corroboration value, it is not admissible as substantive evidence due to its involuntary nature. In its conclusion, the paper makes the case for a unified framework that protects constitutional rights and permits the prudent application of scientific methods in the administration of criminal justice.

**Index Terms** — Narco Analysis, Admissibility, Self-Incrimination, Article 20(3), Judicial Scrutiny, Human Rights, Evidence Law.

## I. INTRODUCTION

The interaction of law and science has been a topic of discussion in the Indian criminal justice system for some time, particularly in relation to scientific approaches used to aid criminal investigations. Narco analysis, polygraph exams, and brain mapping have arisen as problematic kinds of forensic evidence, straddling the line between innovative forensic tools and violation of rights. Narco analysis is the use of psychoactive substances, mainly sodium pentothal, to induce a semi-conscious or trance-like condition in a suspect in the belief that this reduces the capacity to deceive and increases the likelihood of disclosing the truth. Law enforcement agencies have viewed it as a successful approach of gathering critical information, resolving difficult criminal cases, and eliciting information on topics that would not otherwise be gained through traditional interview techniques.

The controversial employment of such tactics has sparked debates on ethics, law, and constitutionalism. Critics argue that narco analysis of K Narayana's speech contradicts SC judgements on voluntary and forced confessions and undermines ideals of free choice and dignity. Concerns have been raised about the admissibility of statements made while under the influence of drugs, potential misuse by police officers, and violations of constitutional rights under Articles 20(3) and 22 of the Indian Constitution, as well as NDPS Act regulations. The courts have emphasised the need of balancing the pursuit of truth, individual rights, and fair procedure, while acknowledging the challenges faced by investigating authorities in achieving justice.

Narco analysis is a contentious and long-standing technique in Indian law. This paper examines how judicial responses to narco analysis in India have been influenced by constitutional, ethical, and human rights considerations, with a focus on consent, privacy, and ethical boundaries in criminal cases. The research examines major decisions, legislative changes, and scholarly perspectives to see if the use of such tactics is consistent with the essential concepts of justice and the constitutional ethos of a democratic society.

## II. RESEARCH PROBLEM AND OBJECTIVES

### A. Research Problem

It is still uncertain if narco-analysis may be acknowledged as an investigation tool under the Indian Evidence Act while being constitutionally protected. The primary question is whether the pursuit of the truth in criminal investigations can justify the partial suspension of individual liberty.

## B. Objectives of the Study

- ❖ To examine the legal and constitutional context for narco analysis in India.
- ❖ Examine court opinions on the admissibility of narco analysis.
- ❖ Evaluate the application's ethical and human rights consequences.
- ❖ To provide a framework that balances procedural protections with scientific instruments.

## III. REVIEW OF LITERATURE

The notion of narcoanalysis arose from early twentieth-century psychiatry, where truth serums were thought to uncover hidden memories. In India, the method gained traction in high-profile criminal cases in the early 2000s, sparking public interest and legal concern.

Scholars such as Sharma (2008) and Reddy (2011) contend that the forcible administration of medicines for questioning violates constitutional protections of personal liberty. According to studies published in the Indian Journal of Criminology, while narco analysis can help with investigations, the results are unreliable and lack scientific assurance. Internationally, the United Nations Human Rights Committee has condemned forceful interrogation techniques, claiming violations of the International Covenant on Civil and Political Rights. Empirical research has found no consistent link between drug-induced admissions and factual accuracy. As a result, courts across countries have taken a careful approach, favouring voluntary and corroborative evidence over statements gained by narcotics analysis.

## IV. METHODOLOGY

This study adopts a doctrinal research technique, analysing legislation, case law, and scholarly commentary. Constitutional provisions, the Code of Criminal Procedure (CrPC), the Indian Evidence Act, and significant judicial judgements all serve as primary sources. Secondary sources include scholarly papers, Indian Law Commission reports, and comparative foreign resources.

## V. DISCUSSION AND ANALYSIS

### A. Constitutional Validity of Narco Analysis

The constitutional debate surrounding narco analysis primarily engages Articles 20(3) and 21 of the Indian Constitution. Article 20(3) provides that no person accused of any offence shall be compelled to be a witness against himself. The phrase “compelled testimony” includes not only physical compulsion but also psychological coercion. The involuntary nature of narco analysis raises serious concerns of self-incrimination.

Article 21, which guarantees the right to life and personal liberty, has been expansively interpreted by the Supreme Court to include the right to privacy and dignity. The forced administration of drugs to extract statements violates bodily autonomy and mental integrity, core aspects of personal liberty.

### B. Statutory Provisions: CrPC and Evidence Act

Sections 161 and 164 of the Code of Criminal Procedure govern the recording of statements during investigation. Any confession must be made voluntarily before a magistrate, free from threat or inducement. The Indian Evidence Act, 1872, under Sections 24–26, also disqualifies confessions obtained by coercion or inducement. Hence, any information derived from a narco analysis test, being involuntary, is inadmissible as substantive evidence. However, as established in certain judicial rulings, derivative evidence obtained from such confessions may be admissible if independently corroborated.

### C. Judicial Pronouncements

Indian courts have progressively evolved in their treatment of narco analysis. The earliest judicial opinions reflected investigative enthusiasm, but later judgments highlighted constitutional caution.

In *Ramchandra Ram Reddy v. State of Maharashtra* (2004), the Bombay High Court allowed the use of narco analysis, reasoning that it assisted investigators and did not amount to testimonial compulsion. However, this position was revisited in the landmark judgment of *Selvi & Ors. v. State of Karnataka* (2010), where a three-judge bench of the Supreme Court held that the involuntary administration of narco analysis, polygraph, and brain mapping violates Articles 20(3) and 21. The Court underscored that even though such techniques may help in investigation, their use must be voluntary and preceded by informed consent, medical supervision, and judicial oversight.

The *Selvi* judgment drew heavily on international jurisprudence, particularly the principles of due process and dignity under Article 7 of the ICCPR. The Court observed that truth cannot be obtained by means that degrade human dignity.

## D. Comparative International Perspective

Globally, narco analysis and similar truth-inducing methods have been largely discredited. In the United States, the use of sodium pentothal was rejected in *Townsend v. Sain* (1963) as violative of the Fifth Amendment right against self-incrimination. The European Court of Human Rights has similarly prohibited coercive interrogations as violations of Article 3 of the European Convention on Human Rights.

Countries like the United Kingdom and Canada have replaced such techniques with scientifically validated forensic procedures and advanced investigative training. This comparative analysis underlines the global consensus that scientific interrogation must respect due process and human rights.

## E. Ethical and Human Rights Dimensions

The ethical dimension of narco analysis lies in the inherent tension between public interest in crime control and the individual's right to autonomy. The forced administration of psychoactive substances infringes upon bodily integrity and psychological freedom. From a human rights perspective, it constitutes a form of degrading treatment.

The National Human Rights Commission (NHRC) has consistently opposed involuntary narco analysis. It has recommended adherence to the UN Principles on the Protection of Persons under Detention, which emphasise consent, dignity, and medical ethics.

## VI. FINDINGS

Narco analysis, as an invasive investigative method, contradicts constitutional guarantees under Articles 20(3) and 21.

Involuntary tests are unlawful, as demonstrated by judicial precedents such as *Selvi & Ors. v. State of Karnataka*.

Despite its inadmissibility as substantive evidence, information obtained through voluntary testing may have corroborative value if checked independently.

There is a discrepancy between investigative enthusiasm and constitutional protections, demanding precise statutory guidelines.

International norms universally reject forceful truth-finding approaches, valuing human rights and ethical research.

## VII. SUGGESTIONS

**Statutory Regulation:** Parliament should pass comprehensive laws outlining the permitted scope, process, and supervision procedures for scientific testing such as narco-analysis.

**Informed Consent:** Any such test must be completely voluntary, with written agreement and medical documentation proving that the person is mentally fit to take it.

**Judicial Supervision:** All tests should be performed under the supervision of a court magistrate to ensure compliance with due process.

**Training and Alternatives:** Law enforcement must be trained in current investigative tactics, forensic psychology, and evidence-based questioning.

**Human Rights Safeguards:** Institutional control by organisations such as the NHRC should be made mandatory in order to prevent misuse.

## VIII. CONCLUSION

The judicial scrutiny of narcoanalysis in India represents a changing view of constitutionalism in an age of technological innovation. While the search of truth is a fundamental goal of criminal justice, it cannot trump the importance of individual liberty and human dignity. The Selvi judgement ranks as a milestone in asserting the inviolability of basic rights against state interference.

In the current setting, India must build ethical frameworks that incorporate science and justice, rather than allowing expediency to determine investigative techniques. To ensure that justice is both effective and humanitarian, it will be necessary to strike a balance between innovation and rights preservation.

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