



Narco and Polygraph Tests

Why in News

Recently, the Uttar Pradesh government decided to conduct **polygraph and narcoanalysis tests** of the accused and all involved police personnel as part of the investigation into the alleged gangrape and murder of a 19-year old in Hathras last month.

Key Points

- **Polygraph or Lie Detector Test:** It is a procedure that **measures and records several physiological indicators** such as blood pressure, pulse, respiration, and skin conductivity while a person is asked and answers a series of questions.
 - This test is **based on the assumption** that physiological responses that are triggered when a person is lying are different from what they would be otherwise.
 - A **numerical value is assigned** to each response to conclude whether the person is telling the truth, is deceiving, or is uncertain.
 - A test similar to Polygraph was first done in the 19th century by the Italian criminologist Cesare Lombroso, who used a machine to measure changes in the blood pressure of criminal suspects during interrogation.
- **Narcoanalysis Test:** It involves the **injection of a drug, sodium pentothal**, which induces a hypnotic or sedated state in which the subject's imagination is neutralized, and they are expected to divulge information that is true.
 - The drug, **also referred to as truth serum**, was used in larger doses as anesthesia during surgery, and is said to have been used during World War II for intelligence operations.
 - Recently, investigating agencies have sought to employ these tests in the investigation, and are sometimes seen as **being a softer alternative to torture or "third degree"** to extract the truth from suspects.
- **Brain Mapping Test or P-300 test:** In this test, the activity of the brain of a suspect is measured during interrogation to find out whether he is concealing any information.
- **Limitations:**
 - None of these methods **has been proven scientifically to have a 100% success rate**, and remain contentious in the medical field as well.
 - The **consequences of such tests on individuals from weaker sections of society** who are unaware of their fundamental rights and unable to afford legal advice can be adverse.
 - It may involve **future abuse, harassment, and surveillance**, even leakage of the video material to the Press for a trial by the media.
- **Legal and Constitutional Aspects:**
 - In the ***Selvi vs State of Karnataka & Anr case (2010)***, the Supreme Court ruled that no lie detector tests should be administered without the consent of the accused.
 - Also, those who volunteer must have access to a lawyer and have the physical,

emotional, and legal implications of the test explained to them by police and the lawyer.

- The results of the tests **cannot be considered to be "confessions"**, but any information or material **subsequently discovered** with the help of such a voluntarily-taken test can be admitted as evidence
- The SC cited **Article 20 (3) or Right against self-incrimination which** states that no accused can be compelled to be a witness against himself.
 - In the ***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**.
 - It may also be violative of the **Right to Privacy** which is a part of the Right to Life.
 - The **Indian Evidence Act, 1871** does not admit the results of these tests as evidence.
- The **National Human Rights Commission** in 1999 adopted a set of **guidelines** relating to the administration of the Polygraph Test which included consent, recording of the test, etc.

Way Forward

- These methods cannot be used as incriminating evidence or confessions due to their limited reliability and scientific proofs. However, they can be used as useful tools to solve complicated cases as investigative tools. The government should encourage the use of scientific techniques in the otherwise long investigative procedures and trials but should also come up with strict rules for their use in a decent, and consensual manner.

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