

# Efficacy of Narco Analysis: An Investigator's Perspective

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**Abstract:** *Understanding Narco-Analysis as a scientific interrogation technique has seen a renewed interest in the area of Forensic Psychology with the rise in the multitude of heinous crimes across the nation. While there have been many discussions regarding the need and/or the utility of Narco-Analysis in the field of Scientific Interrogation, it cannot be denied that the technique itself can be an important aide in the field of investigation, provided that it is applied properly. In this current article, the author critically analyses the efficacy of Narco-Analysis as a scientific interrogation technique that has made a comeback in the field of forensics as corroborative evidence.*

**Keywords:** Narco-Analysis, Scientific Interrogation Techniques, Forensic Psychology, Deception Detection Techniques

## 1. Introduction

Narco Analysis as a term is used to describe a diagnostic and psychotherapeutic technique that uses psychotropic drugs to induce a stupor like state within the subject wherein the strong associated affects related to a particular incident, traumatic or otherwise is brought forth; which is then free to be exploited by the therapist; or in the case of Narco-Analysis, the forensic expert.

While the experiments with drug induced lie-detection have been reported as far back as 1950, it was the September twin tower terrorist attacks (in the US) and the September, 2002 train burning and then massacre at Godhra, Gujarat in India that proved to be the turning point for Narco-Analysis as a Lie-Detection Investigative Technique.

The Deception Detection Techniques (DDTs) in India usually include, Polygraph, Brain Mapping/Brain Fingerprinting and as a last resort, the Narco-Analysis. The reason why Narco-Analysis considered to be the last resort in the DDTs used in scientific interrogation is because this test involves the intravenous administration of a drug; more commonly named as "the Truth Serum". Thus, out of all the DDTs, it is only Narco-Analysis that is an invasive procedure, i. e. an introduction of a drug such as sodium pentothal within the body of the subject which is administered intravenously causes the subject to undergo an inhibited stage wherein the subject become far more vulnerable to suggestions. In this suggestive state, the subject becomes less inhibited and thus, becomes more likely to divulge concealed information regarding the crime under investigation that the subject would not reveal in the conscious state. It is also possible that the subject may also reveal their personal wishes, fantasies, impulses, conflict, etc. It, thus is the forensic expert's expertise and responsibility, how they handle the tangent the subject may go on during the session.

This, however, does not mean that the subject loses their ability to deceive under the influence of the drug. The subject does become extremely suggestible, which can be worrying as the expert may frame questions in a leading

way. To counteract such as biases, the whole procedure is video-graphed throughout from moment the subject enters the room or the operation theatre voluntarily to the time when the drug is introduced into the subject's system as well as the questions that the subject undergoes. This is done mostly to protect the rights of both the subject as well as the team involved in the Narco-Analysis procedure.

In a perfect world, there would be no need for the police to try and use coercive methods to clear investigations or to find the culprit behind every crime. We, however, do not live, in a perfect world and thus, the investigating agencies require the additional help that the tests like DDTs provide without clarity violating the constitutional rights of the subjects.

The DDTs have important clinical, scientific and legal implications as they are useful in gleaning information that may have been concealed by the subject in regards to the crime under investigation; which could be crucial to the investigation.

It was in the recent landmark judgment *Selvi vs. State of Karnataka, 2010* that has clearly stated that these DDTs cannot be conducted/administered without consent of the subject as it could potentially violate The Article 20 (3) of the Constitution of India i. e. "No person accused of any offence shall be compelled to be a witness against himself." In *Dinesh Dalmia vs. State*, the Madras High Court intimated that it is expected that the investigating agencies would complete the investigation within a reasonable time; because otherwise, the benefit of the delay is given to accused. There would of course be times, when the accused would fail to cooperate with the investigating agencies, it is then when there would be no recourse but to turn to scientific methods of investigation to find the way to truth.

While in *Shailender Sharma Vs. State, 2008* the Hon'ble Court has held that Narco-analysis is a step in the aid of investigation and thus it forms an important base for further investigation, for it may lead to collection of further evidences. Thus, with reference to the rising crime against society, keeping the needs of the society at large and the

need of the hour requires an investigative process that ensures that the individual and constitutional rights of the subject are not infringed upon.

The Hon'ble Supreme Court in the most recent judgment, *Selvi vs. State of Karnataka* has observed "We hold that no individual should be forcibly subjected to any of the techniques in question, whether in context of investigation in criminal cases or otherwise. Doing so would amount to an unwanted intrusion in to personal liberty".

The Hon'ble Court has also opined that "We do leave room for the voluntary administration of the impugned technique in context of criminal justice, provided that certain safeguards are in place. For any information or material i. e. subsequently discovered with help of voluntarily administered test results can be admitted in accordance with Section 27 of the Indian Evidence Act, 1872". For more information, National Human Rights has published "Guidelines for the Administration of the Polygraph Test (Lie-Detector Test) on an accused" in 2000.

## 2. Conclusion

Narco-Analysis Examination has become an important scientific aid in investigation, which later forms an important base for further evidences and thus, any self-incriminatory statement if made by the subject, would be one that has been offered voluntarily.

Moreover, under the Section 136 of Indian Evidence Act 1872; any fact shall only be admissible only when the Hon'ble Court declares in admissible per say. Hon'ble Supreme Court in *Selvi vs. State of Karnataka* reasoned that instead of high threshold of proving acceptance in a particular field for evidence, the scientific evidence should be admitted and then challenged through conventional methods that include cross-examination contrary evidence and instructions regarding burden of proof.

Thus, evidence from DDTs has been accepted in various instances on merit basis, especially if the evidence has been voluntarily offered. Thus, time has come, with an eye on the rising focus on forensic and scientific evidence, for inclusion of evidence from scientific interrogation techniques/deception detection techniques.

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