

**SCIENTIFIC EVIDENCE IN CRIMINAL JUSTICE SYSTEM :
WITH SPECIAL REFERENCE TO NARCO-ANALYSIS TEST**

A Dissertation

to be submitted in Partial Fulfillment of the Requirement for the Award of
Degree of Masters of Law

In

School of Legal Studies

By:

SUSHIL KUMAR MISHRA

LL.M (Criminal and Security Law)

II Semester

Roll No. 1170997039

UNDER THE GUIDANCE

Dr. SUDHIR KUMAR

HEAD/DEAN

School of Legal Studies



BABU BANARASI DAS UNIVERSITY

FAIZABAD ROAD, LUCKNOW

SESSION 2022-23

CERTIFICATE

This is to certify that **SUSHIL KUMAR MISHRA** student of LL.M. (Criminal and Security Law) **Roll No. 1170997039**, has completed her dissertation, titled “**Scientific Evidence in Criminal Justice System With Detailed Analysis of Narco-Analysis Test**” under my supervision, for the award of degree of Master of Laws at Babu Banarasi Das University. Dissertation supervisor will not be responsible for any type of plagiarism, typological error or any factual legal infirmities.

He has completed all formalities as required under the ordinance and the dissertation is forwarded for evaluation.

Dr. SUDHIR KUMAR

HEAD/DEAN

School of Legal Studies

DECLARATION

I hereby declare that the dissertation entitled “**Scientific Evidence in Criminal Justice System With Detailed Analysis of Narco-Analysis Test**” is submitted by me in the fulfillment of the requirements for the award of the degree of " **Masters of law** " of **BABU BANARASI DAS UNIVERSITY** is a record of my own work carried under the supervision of **Dr. SUDHIR KUMAR** School of Legal Studies.

To the best of my knowledge the dissertation has been submitted

SUSHIL KUMAR MISHRA
LLM (CSL)
II Semester
Roll No. 1170997039

ACKNOWLEDGEMENT

With sincere regard, I **SUSHIL KUMAR MISHRA** would like to thank, **Dr. SUDHIR KUMAR**, Assistant Professor, **BABU BANARASI DAS UNIVERSITY, Lucknow-Deva Road, Uttar Pradesh**, for his proper and constant guidance in conducting this research titled "**Scientific Evidence in Criminal Justice System with Detailed Analysis of Narco-Analysis Test**".

I sincerely admit that without his invaluable advice and constant guidance, this work would have been impossible. I must acknowledge that the effort which I was able to strive towards this work would have never been possible but for his concerns, guidance, and well-wishes of his. And

I could only hope that the lessons learned during the entire interaction would help me a great deal in establishing a better path and gain an in-depth approach to the topic involved herein. And I wish to emulate it with utmost sincerity.

I am also very thankful for our director and all the teachers of the **BABU BANARASI DAS UNIVERSITY(School of Legal Studies)** for their immense help, Co-operation, love, and affection extended toward me during the entire curriculum.

I would also like to thank my parents and friends and Seniors who helped me a lot in finalizing this dissertation within the limited time frame.

**SUSHIL KUMAR
MISHRA
LLM (CSL)
II Semester
Roll No. 1170997039**

LIST OF CASES

1. Smt. Selvi v. State of Karnataka 2010 (7) Kar.L.J. 501
2. Justice K.S. Puttaswamy (Retd.) v Union Of India (2018 SCC)
3. Anil @ Anthony Arikswamy Joseph v. State of Maharastra,(2014)4S.C.C. 69.
4. Vishal Yadav v. State of UP, (2014) S.C.C. Online Del. 1373.
5. State by the Inspector of Police v. Manoharan,2015 Cri. L.J. 1215.
6. Sushil Mandal v. The State 2014 S.C.C. OnlineMad. 7362.
7. State of NCT Delhi v. Sujeet Kumar,2104 S.C.C. Online Del. 1952.
8. Dharam Deo Yadav v. State of Uttar Pradesh,2014(5)S.C.C. 509.
9. State of U.P. v. Deoman Upadhyaya, AIR 1960 SC 1125
10. Balbir Singh v. State of Punjab, AIR 1957 SC 216
11. State of Bombay v. Kathi Kalu Oghad, AIR 1961 SC 1808
12. R.M. Malkani v. State of Maharashtra, (1973) 1 SCC 471
13. Polavarapu Satyanarayana v. Polavarapu Soundaryavalli, (1987) 1 Andh LT 762
14. State of Punjab v. Mohinder Singh Chawla, (1997) 2 SCC 83
15. Kharak Singh v. State of U.P., AIR 1963 SC 1295
16. D.K. Basu v. State of W.B., (1997) 1 SCC 416
17. State v. S.J. Choudhary, AIR 1990 SC 1050
18. Pratap Misra v. State of Orissa, AIR 1977 SC 1307
19. Shashi Kumar v. Subodh Kumar, AIR 1964 SC 529
20. Nathuni Yadav v. State of Bihar (1998) 9 SCC 238 at 242
21. Ranjit Singh Brahamjeet Singh Sharma v. State of Maharashtra and Another, 2007 criLJ4566
22. Ramachandran Reddy v. State of Maharashtra, 2009 Cri.L.J2189
23. State of A.P. v. Inapuri Padma, 2004(7) KarLJ501
24. State of Bombay v Kathi Kalu Oghad & Ors. (1961 SC 1808)
25. Santosh Sharmanbhai Ladeja v. State of Gujarat, 2007 CriLJ4566
26. Abhay Singh v. State of U.P., 2009 Cri.L.J2189 (All)
27. Surender Koli v. State of U.P. and Others, AIR 2011SC 970
28. Rojo George v. Deputy Superintendent of Police, 2006 (2) KLT 197
29. M.P. Sharma v. Satish Chandra, AIR 1954 SC 300
30. Nandini Sathpathi v. P.L.Dani, AIR 1978 SC1025
31. Dr. Rajesh Talwar and Another v. Central Bureau Investigation through its Director and Other, 2013(83) ALLCC 283

LIST OF ABBREVIATIONS

A.F.I.S.	Automated Fingerprint Identification System
A.I.R.	All India Reports
A.L.I.A.S.	Aircraft Laser Infrared Absorption Spectrometer/ Advanced Ballistic Analysis System
APFSL	Andhra Pradesh Forensic Science Laboratory
ART	Assisted Reproduction Technologies
ASI	Assistant Sub-Inspector of Police
B.P.R & D.	Bureau of Police Research and Development
BMT	Bone Marrow Transplantation
C.B.I.	Central Bureau of Investigation
CCMB	Centre for Cellular and Molecular Biology
CDFD	Centre for DNA Fingerprinting and Diagnostic
CFSL	Central Forensic Science Laboratory
Cr. App	Criminal Appeal
D.B.M.L	Double Barrel Muzzle Loading Gun
DNA	Deoxyribo Nucleic Acid
DW	Defense Witness
Edn.	Edition
EGLR	Estates Gazette Law Reports (UK)
EWCA	England and Wales Court of Appeal (UK)
Ex.	Exhibit
FBI	Federal Bureau of Investigation
Fed. R. Evid	Federal Rules of Evidence
HLA	Human Leucocyte Antigen
N.A.S.	National Academy of Science
N.C.R.B	National Crime Records Bureau
NCB	Narcotics Control Bureau
NDPS	Narcotics Drug and Psychotropic Substances
NIJ	National Institute of Justice
PCR	Polymerase Chain Reaction
PW	Prosecution Witness
RFLP	Restriction Fragment Length Polyphormism
S.B.B.L	Smooth Bore Breech Loading Gun
SASR	South Australian State Reports
SBML	Single barrel muzzle loading
SCC	Supreme Court Cases
SCR	Supreme Court Reports
STR	Short Tandem Repeats
SWGDM	Scientific Working Group on DNA Analysis Methods
SWGTOX	Scientific Working Group on Toxicology

TABLE OF CONTENTS

Sr. No.	Title	Page No.
1	Certificate	ii
2	Declaration	iii
3	Acknowledgement	iv
4	List of Cases	v
5	List of Abbreviations	vi
6	CHAPTER-1-INTRODUCTION	1-7
	1.1 Scientific Evidence	
	1.1.1 Evidence	
	1.1.2 Forensic Science	
	1.1.3 DNA Testing	
	1.2 Statement of Problem	4
	1.3 Research Questions	5
	1.4 Hypothesis	5
	1.5 Objective of Study	6
	1.6 Scope of Study	6
	1.7 Research Methodology	6
7	CHAPTER II:- ROLE OF FORENSIC SCIENCE IN CRIMINAL JUSTICE ADMINISTRATION	8-14
	2.1 Introduction	
	2.2 Definition of Forensic Science and Law	
	2.3 Techniques in Forensic Science and Their Usefulness in the Administration of Criminal Justice	
	2.4 Legal Provision of Forensic Science in India	
	2.5 Latest Judicial Pronouncements	
8	CHAPTER III:-LEGAL ACPECT OF NARCO ANALYSIS TEST	15-22
	3.1. Legal Status of Narco-Analysis Test	
	3.2. Constitutional Provisions	
	3.3. Provisions of Criminal Procedure Code, 1973	
	3.4. Judicial Precedents	
	3.5. Provisions of Supplementary Laws	
	3.6. Rarest of the Rare Principle	
9	CHAPTER IV:- THE CONCEPT OF NARCOANALYSIS FROM THE ASPECT OF CONSTITUTIONAL LAW AND HUMAN RIGHTS	23-63
	4.1 Introduction	
	4.2 Narco Analysis from Constitutional and Legal Stand Points	
	4.3 Narco Analysis in India	
	4.4 Admissibility in the court	
	4.5 Feedback of narcoanalysis test	
	4.6 Narco-Analysis: A Boon For Criminal Justice System In India	
	4.7 Success Rate of Narco-Analysis Test	
	4.8 Utilization of barbiturates in Narco-Analysis Test and its Effect on Human Body:	

	4.9 Critical Analysis of Narco-Analysis test in Medical Science: An Appraisal 4.10 Noteworthiness of Narco-Analysis test in legitimate science 4.11 Sacred Validity and Evidentiary Value of Narco-Analysis Test 4.12 Narco-Analysis test and its application in Criminal Justice System 4.13 Importance of Narco-Analysis test in legitimate science 4.14 Constitutional Validity and Evidentiary Value of Narco-Analysis Test 4.15 Narco-Analysis test and Indian Evidence Act	
10	CHAPTER V:- PROCEDURE TO CONDUCT NARCO ANALYSIS TEST	64-76
	5.1 Narco-analysis Test in India 5.2 Issues in Conducting Narco-Analysis Test 5.3 Dangerous Side-Effects and Dubious Scientific Value 5.4 Violates the Constitutional Right Against Self-Incrimination 5.5 Violation of Right To Fair Trial 5.6 Narco-analysis is nothing but a form of torture 5.7 Question Over The Evidentiary Value 5.8 Need of Narco-Analysis Test 5.9 Crime Control 5.10 For Effective Judicial Administration 5.11 For Combating Newer Form of Crimes	
11	CHAPTER VI:- ROLE OF JUDICRY IN NARCO ANALYSIS TEST	77-81
	6.1 Current scenario 6.2 Global status 6.3 United States 6.4 India	
12	CHAPTER VII: - CONCLUSION	82-100
	BIBLIOGRAPHY	101-102

CHAPTER-1

INTRODUCTION

The effectiveness of a country's legal system may be inferred from its crime rate and the rate at which its criminals are brought to justice. The Criminal Justice System is a group of interconnected institutions and organizations inside and outside of government that work together to uphold, administer, and adjudicate violations of criminal law. A government's numerous branches administering the criminal justice system must give justice to the people. The Criminal Justice System oversees police, courts, prisons, and other institutions. Criminal justice inquiry is crucial. It's the standard proving procedure. Police investigate crimes first. The police gather the evidence, and the prosecution relies solely on that evidence to bring offenders to justice. Investigating crimes with integrity and quality is crucial to their effective resolution. If the court deems the evidence gathered by the Investigating Officer to be relevant, then the matter will be determined based on that evidence.

The Court grants the accused a favorable ruling since it follows the rules of law as a whole. As a result of flaws in the inquiry and proving method, the theory of benefit of doubt arose. Because there is a flaw in the inquiry that makes it impossible to establish the fact in court and casts question on the whole sequence of events. Therefore, scientific inquiry has utmost relevance in order to better the investigation procedure. Investigating crimes requires a combination of creative problem solving and hard work from both field agents and lab technicians. The detectives and police scientists work together as a team, drawing on and expanding each other's thoughts and results to piece together the facts of a crime as accurately and completely as possible. When science is used to conventional methods of criminal investigation, it opens up new avenues of effectiveness. The use of forensic science in criminal investigations is promising.

It is the job of the forensic scientist to evaluate the data and facts gathered at the site of the crime and provide an expert opinion as to what may have occurred there during the investigative phase. Instead than relying on informers and custodial questioning, modern investigative methods place more emphasis on a thorough examination of the crime scene for physical evidence and the identification of as many witnesses as feasible. In court, silent evidence speaks for itself, either via its own demonstrativeness or the testimony of a scientific expert. The police have an obligation to investigate thoroughly, and this evidence

may be used in place of or in addition to statements made by witnesses they locate and interview.”

1.1 Scientific Evidence

The integrity of the justice system is heavily dependent on the statements made by eyewitnesses to the crime." The other method that the crime investigators resorted to in order to interrogate the suspects to bring out the truth was something called the "third degree treatment," which as a result of cultural shifts and values that are accepted globally, is regarded as inhumane due to the fact that many innocent people also suffered from it. However, the dependence on eyewitnesses does not prove to be effective because it is generally found that they turn hostile, many times due to the threat to their lives or the lure of money etc. In the meanwhile, a significant amount of scientific investigation and growth has taken place, and it has become apparent that contemporary scientific practices have the potential to deliver speedy answers to the bulk of the challenges faced by human beings. One of these issues is the alarming rise in criminal activity in recent years. The progression of science and technology is contributing to a broadening of the scope of criminal activity. The most recent technology and methods are being used in the commission of conventional crimes such as robbery, murder, and so on. Additionally, new sub-genres of criminality have emerged, such as cybercrime and space-based offenses, amongst others. Therefore, the conventional approaches that have hitherto been used for investigating and preventing such crimes are no longer adequate.

According to what the author has said, "the application of science to a significant scale in the administration of justice is a relatively new phenomenon in our country." When it comes to the management of the criminal justice system, there is an urgent and pervasive need for the use of forensic science. A disheartening picture emerges when one considers the present state of things in India with respect to the investigation of crimes and the conviction of perpetrators. A significant number of defendants accused of committing very horrific crimes are eventually found not guilty in court. Acquittal rates reached an official high of 86 percent in the year 2010. It is anticipated that the expenditures made by the prosecution agency for each trial total several lacs of rupees. This results in not only the release of a dangerous criminal but also the squandering of a significant amount of money that was paid for by the public. These frequent acquittals give criminals a boost of confidence, which in turn leads to an increase in crime and a proliferation of criminals. There is an urgent need for the

incorporation of scientific principles into the administration of justice. Eyewitnesses, confessions, approvers, and stock witnesses are the alternatives to scientific procedures in the event that we do not accept scientific methods. The oral evidence that may be admitted into court is the eyewitness testimony. However, there are flaws that are inherent in the eye witness report. The capacity for observation, recollection, and description of the eye witness, as well as the emotional inputs and subconscious reasoning of the witness, all have a significant impact on the evidence. Even if the emotional engagement of the witnesses, prejudice and influence from others, as well as the impact of the media, make eye witnesses very unreliable, we continue to rely on the evidence nearly as much as we depend on religion.

As scientific knowledge and technological capabilities continue to advance, there is a growing dependence on the evidence provided by scientific specialists. In this day and age, the scientific community is often asked to provide evidence to the court. While this scientific information is offered in court as an opinion, the judge's impartiality should not be called into question since his or her decision is ultimately binding.

People from every corner of the globe are often found guilty of offenses for which they were not even responsible. With the assistance of the guidance offered by the specialists and the forensic evidence that was gathered from the scene of the crime, it is possible to overturn these convictions that have been handed down. As a result, it is necessary to discuss whether or not the forensic evidence can be trusted and whether or not it may be admitted into court. This piece of evidence is more compelling than others. It has the potential to either exonerate or convict

1.1.1 Evidence

It is evidence that is produced in front of the court to establish that a person is either guilty or innocent of a crime. This evidence might take the form of any document, photograph, mark, recording, or video. This can also be given as a witness. The remarks made by the attorneys are not considered to be evidence at this time.

1.1.2 Forensic Science

In the legal system, the ability to make a contribution toward the administration of justice in a criminal proceeding is a function. An easy definition of forensic evidence is any piece of evidence that may lead investigators to the identity of the perpetrator. This may be a strand of

hair, a particular mark, the fingerprints of any individual, or something else entirely. Using the information carefully gathered at the site of the crime, forensic scientists are able to provide assistance to law enforcement in determining the identity of the perpetrator. They investigate the topic in great depth and focus on the particulars. It indicates that scientific knowledge was used to the process of legal decision-making. The field of forensic science is responsible for determining the nature of the evidence, including whether or not there is a DNA match, fingerprints, and so on. This proof may be offered by a scientist who is exceptional at his job and who will supply it by evaluating a variety of tests in which he is an expert. This evidence can be provided by a scientist who is good in his profession. During the criminal procedures as well as while the investigation is still ongoing, this forensic evidence will be used. They give the police in charge of the investigation with little facts that are helpful to the investigative procedures. Knowing the patterns of the crime scene makes it simpler to identify the suspects, and it also helps in connecting crimes and finding the relationship between them. This is accomplished by having knowledge of the patterns.

1.1.3 DNA Testing

DeoxyriboNucleic Acid is the abbreviation for DNA. Every every cell in your body has DNA. Bones, hair, blood, and urine may all be used to make it. In 1869, Swiss scientist Friedrich Miescher came up with the idea. Since everyone has their own distinct genetic makeup, a DNA test can reliably identify an individual. This analysis is performed for a variety of reasons, including criminal detection, parent identification, and child matching. When there is a criminal case including a succession dispute, this test is quite useful.

Since most attorneys and judges are not well-versed in technical matters, it is customary to have outside specialists perform tests and provide expert testimony. This aids the court in determining the facts of the case. Who will be responsible for analyzing the forensic evidence has been an issue in the past. Who makes the final decision, the judge or the scientists? Because the forensic evidence may contain inherent inconsistencies, it was ultimately decided that the judges would have the last say.

1.2 Statement of Problem

Scientific legal approaches of inquiry have legal ramifications on both victims and perpetrators, in addition to physiological, psychological, and social ones. This leads us to the dissertation's primary goal: the establishment of institutionalized mechanisms for the use of scientific legal methods in Indian law. The dissertation focuses on India since the country's traditions and norms play such a significant role in legitimizing and regulating the lives of many people. While many nations have legal mechanisms in place to pursue prosecution, Indian criminal law is behind the times. In a number of recent criminal cases, the accused individual has passed a narco-analysis test. In the criminal justice system, it serves as a tool for conducting investigations. This is not an appropriate test for many situations. It is appropriate in situations when the greater good of society is at stake. It might also be used to read the suspect's mind in the event of a terrorist attack, preventing additional attacks. It is therefore imperative that state governments coordinate with federal authorities to strengthen police investigation capacities. The conviction rate in India's criminal justice system is shockingly low, highlighting the necessity for the use of scientific methodology. The law should reflect scientific progress and innovation so long as they do not run counter to basic legal principles and serve the public interest.”

1.3 Research Questions

1. Whether use of Narcoanalysis test is in conformity with the constitutional mandate?
2. Can Scientific evidence be considered an authentic piece of evidence?
3. Has forensic science proved to be a true advantage in criminal justice system?
4. Is non-applicability of scientific means in investigation a cause for low conviction rate?

1.4 Hypothesis

The student in this dissertation wants to put to test the following hypothesis:

The criminal justice system has been significantly improved because to the application of scientific methodologies. Involuntary and compelled use of a narcoanalysis test to investigate criminal offenses will infringe upon fundamental rights such as the right to self-incrimination, which is outlined in article 20(3) of the Indian Constitution, as well as the right to privacy, which is outlined in article 21. A number of rights are protected under the Constitution of India. Scientific approach reliability determines proof weight.

1.5 Objective of Study

1. The study aims to frame the concept of criminal justice system and to know the working of the criminal justice system in India.
2. To frame the concept of scientific investigation and importance of scientific investigation in courts of law.
3. To trace out the position scientific evidence under the Indian Evidence Act, 1872.
4. To find out causes of acquittal based on defective investigation and to suggest remedies by which they can be removed.
5. To study and find out whether the reports of different experts are responsible for acquittal when it is not made out as required by the substantive law.
6. To find out whether the legal provisions are sufficient to cover the admissibility and relevancy of scientific evidence in view of progress in the field of science and technology and new inventions of scientific means to commit the offence by the accused.

1.6 Scope of Study

The crime rate is shifting at the same breakneck pace as civilization. It appears exceedingly challenging to use conventional investigative techniques in the current climate, when professionally trained criminals have begun replacing the criminal. Only by incorporating scientific method into the investigative process can law enforcement organizations ensure that they are keeping pace with changes in society and criminal behavior. When public safety is at stake, the US Supreme Court has privately sanctioned the use of scientific methodology in the inquiry process. Because of this, the Supreme Court never explicitly banned the use of narco analysis tests. Several groups have provided recommendations on how to apply these scientific procedures. The Indian judicial system generally agrees with the conditional use of these standards for truth extraction. Several existing criminal justice regulations need updating so that scientific methods of investigation may be codified into law and put to use for the public good, bringing us one step closer to a crime-free society.

1.7 Research Methodology

A neutral monitoring agency will be appointed to ensure that these principles are put into practice, and the necessary legislative requirements will be drafted and put into effect.

Periodic reports and other actions taken to implement the law in each jurisdiction would be submitted to and reviewed by the monitoring body. This dissertation will do a doctrinal study, reading publications and journals from nations outside of India that have addressed comparable issues and implemented similar solutions. Existing laws and regulations relevant to the subject will serve as the foundation for the doctrinal study, with case studies utilized to further illustrate the nuances of the issue at hand. Books and commentary are the secondary sources that will be utilized to shed light on this issue.

CHAPTER II:

ROLE OF FORENSIC SCIENCE IN CRIMINAL JUSTICE ADMINISTRATION

"Forensic substantiation" refers to an order that is carried out within the parameters of a nation's judicial system. The purpose of this is to offer assistance to law enforcement agencies conducting criminal investigations and to provide legal authorities factually correct information upon which they may rely on mediating or adjudicating criminal cases. The growth of the criminal justice system has taken a huge leap ahead thanks to the widespread use of technology in the course of criminal investigations. The courts, on the other hand, take into account these weighty pieces of evidence, which are normally indisputable, to more precisely ascertain the offender's guilt or innocence. A crime is discovered, the scene is reconstructed, the suspect is identified, and crucial ties are established with the help of logical tools and procedures used by the police.

2.1 Introduction

"The science that is used to support legal proceedings is known as forensic science. The investigation and prosecution of both civil and criminal cases both make use of forensic analysis as part of their processes. It may be helpful in determining whether or not potential suspects are guilty of the crime.

"It aids criminal investigators,"In addition, forensic evidence is used to connect crimes that are thought to be related. DNA evidence may exonerate a criminal or link them to several crimes.

"Forensic evidence also assists law enforcement authorities in correlating crimes and narrowing the spectrum of potential suspects," as well as "establishing patterns of crime that can be used to identify and prosecute offenders," according to the article. "Forensic evidence"

2.2 Definition of Forensic Science and Law

it comes to the law, forensic scientists put their knowledge to use. Forensic scientists investigate crime scenes and the bodies of victims to find and analyze physical evidence that

may be used to prove guilt or innocence. Details such as blood or other bodily fluids, clothing, hair, shoe, and tool textures, etc.

DNA identification, structural design analysis, and explosives identification are just few of the methods that come within the scope of forensic science, which encompasses everything that helps in the collecting, preservation, and examination of evidence."

2.3 Forensic Science Methods and Their Application to Criminal Justice Administration

A. Narco-Analysis Test-

Nausea and unconsciousness brought on by drugs is called narcosis. A method known as narco-analysis involves injecting a patient with a sedative so that they may be questioned while they are unconscious. It has been used to help a witness remember details more clearly. The Narco-Analysis test renders a person incapable of rational thought due to the effects of the substances administered into his body."

B. Polygraph or Lie Detector Test

"Polygraph" is a phrase that meaning "many writings" and refers to a method of tracking psychological activity. The theory is that when someone lies, it causes him to get anxious, which then causes him to have mental excitation. Once it has entered the circulation, adrenalin has the effect of masking the excitement that it causes by regulating blood pressure, pulse rate, and breathing rate. This effect is caused by the adrenal glands. When psychological changes are recorded, the results are referred to as polygrams, and they are analyzed to determine whether or not the suspect experienced emotional stress as a consequence of the questions asked during the lie detection test.

2.3.1 Brain Mapping or P300 Test-

"This method also goes by the label "brain wave finger printing." This technique begins with an interview and interrogation of the subject to unearth any vital information he may be withholding. The victim is wired up to monitors and made to sit there for extended periods of time. The suspect is subjected to involuntary exposure to certain visual and auditory stimuli. Electrical activity and P300 waves in the brain are recorded by the sensor

when the suspect comes into contact with the stimuli. The suspect is not interrogated. Thus, the crime scene and the information stored in the brain are matched using brain fingerprinting. If the suspect is innocent, there should be no detectable P300 wave during the investigation. It was the Bangalore Forensic Laboratory in India that initially used this method. The Court considers and values the scientific expert's view as one piece of evidence among many, including all other relevant proofs.

This test would not be reliable if an inquiry included a witness and a criminal. Because the method can only detect memories that place them both at the crime scene but cannot determine their roles, an innocent eyewitness could become a suspect and the real perpetrator may have a slim chance to create a condition of doubt.

2.3.2 DNA Profiling

DNA profiling is a trusted approach in forensic science. DNA, an organic molecule in every cell, is an individual's genetic blueprint. "DNA" stands for "Deoxyribose Nucleic Acid," the full name of the material. Blood, sperm, bone, saliva, and others may provide DNA. In the year 1869, DNA was discovered for the very first time by Fredrick Micscher. Because the DNA of every person is completely unique (with the exception of twins), tests based on DNA are very accurate. There is a genetic match between one person in every three billion others. In addition to this, it is reliable since it cannot be altered in any way. Identifying disfigured dead bodies, establishing the paternity of a child, and other purposes may all be accomplished with the help of DNA testing, which has a wide range of applications.

2.3.3 Paternity

"The Indian Evidence Act of 1872 forbids the legitimization of a kid," and "public policy dictates that no child should suffer as a result of parental failings," it states. The court system is known to accept indisputable evidence, virtually always bar the party from contesting such evidence. This law only applies if one couple can prove they were physically apart at the time of conception. If paternity is in doubt, the side asserting paternity must provide proof. With reference to Article 125 of the Criminal Procedure Code of 1973.

2.3.4 Fingerprints

When investigating a crime, fingerprints are used as a crucial piece of evidence. Every human being is born with a unique pattern of ridges on their fingers. The ridges create a pattern that lasts a lifetime because they are so packed with sweat pores. If the skin is cut in half and allowed to heal, the same pattern will appear. Common fingerprint shapes include arches, loops, and whorls. These chemicals collect along the ridges of fingers, leaving patterns that may be used by the police to identify a suspect at a crime scene.

2.3.5 The Role of Forensic Science in Investigation of Crime

"The criminal suspect's character as described by forensic science." The crime's details are exposed by the evidence. The context provides an explanation for the time of the event. Forensic evidence confirms the location of the crime site. Through forensic analysis, the criminal's methodology may be uncovered. Finally, it explains why the criminal act was committed. The police gather evidence at the site of a crime or from suspects, analyze it in a crime lab, and then submit their findings in court. The investigation of physical evidence, including personal clues like fingerprints, footprints, blood droplets, and hair, is a crucial part of forensic science's contribution to the criminal justice system. The crime scene, victim, and their things may reveal the perpetrator. The accused may be innocent if the evidence does not connect them to the victim or the crime scene. Therefore, innocent lives are spared thanks to forensic science. Since the development of DNA technology as a forensic science instrument, authorities have been able to learn a great deal more about the crime scene and the potential perpetrator.

2.4 Legal Provision of Forensic Science in India

It is important to weigh the benefits of forensic science in criminal investigations and trials against any limitations imposed by the law. Here are the most pressing concerns: a) How do these methods stack up against the Bill of Rights? b) How far may forensic methods be taken during a criminal investigation? Article 20(3) of the Indian Constitution prohibits coercive self-incrimination. The prosecution must prove Article 20(3). Police custody protects the accused from mistreatment. Criminal defendants are presumed innocent." Article 20(3) of the Indian Constitution prohibits witness coercion and self-incrimination. This shield prevents someone from being coerced to reveal embarrassing information or provide proof of guilt. c) How reliable is the expert forensic data? The court may order any individual,

including an accused, to submit to fingerprinting under Section 73 of the Indian Evidence Act.

Another key case, Ramchandra Reddy and Ors. v. State of Maharashtra, supported P300, liedetector, and narco analysis. Abdul Karim Telgi, the primary defendant in the counterfeit stamp paper plot, received a special court order. Likewise, truth serum. In 2005, Blood, blood stains, sperm, genital swabs, sputum, perspiration, hair, and fingernail clippings are now all subject to DNA profiling and other analyses as assessed by a medical expert. Medical attention for rape victims is mandated under Section 164A of the Code of Criminal Procedure from 1973. Both provisions make it possible for any "medical practitioner" to get a DNA sample, as defined in Section 2(h) of the Indian Medical Council Act of 1956. All physicians' abilities to gather and store DNA evidence are called into doubt. It is common knowledge that the integrity of DNA evidence is totally dependent on the proper collection and storage of samples. A tainted sample is unusable if even a little mistake was made during collection. The Indian Evidence Act of 1872 recognizes the value of a forensic report as an expert opinion. By definition, an expert is someone who has extensive hands-on knowledge in a certain field of study. He is an expert because he has dedicated his life to studying a certain subject and has amassed a wealth of knowledge in that area. The court is not required to agree with the expert's findings and might instead consider other evidence in reaching its judgment.

2.5 Latest Judicial Pronouncements

Based on scientific evidence, including DNA profiles and oral testimony, the Nagpur Sessions Judge declared the accused guilty and condemned him to death for the horrible murder of a juvenile boy aged roughly 10 years by subjecting him to sexual intercourse and then strangling him to death.

Because just a little piece of one unburned hand with fingers was available, identifying the dead victim in the murder case of Vishal Yadav vs the State of UP, Nitish Katara was challenging. The High Court of Delhi upheld the conviction because DNA profiling allowed the corpse to be identified via a match with the deceased's parents.

According to the synopsis of the case, "In State by the Inspector of Police v. Manoharan, DNA technology helped pave the way for the prosecution of the suspect, which resulted in the suspect being sentenced to death." Manoharan was found guilty of kidnapping

and murdering a 10-year-old schoolgirl while acting as an auto rickshaw driver, then dumping the girl's body in a canal after disposing of her body.

The petitioner in *Sushil Mandal v. The State, Represented by CBI*, was the father of the dead kid who contested the results of a DNA profile. The school administration advised both sets of parents to keep a watch on the slain child and the girl he had developed a mutual crush on on the cusp of puberty. A week after the child went missing, a decaying, unidentified corpse was recovered from a lake. The petitioner said he had looked everywhere for his son's corpse and clothes but to no avail. He filed a habeas corpus petition, accusing the girl's father of wrongdoing and asking the high court to direct the CBI to investigate. The DNA analysis of the corpse confirmed that the deceased was really the child of the petitioner and his wife. The petitioner still denied the veracity of scientific tests, even when they were repeated to his satisfaction. The highest court accepted DNA profiling and other scientific findings as proof of individual identities.

In the case *State of NCT Delhi v. Sujeet Kumar*, DNA profiling was used to determine who was responsible for the heinous act of sexual abuse done against a slum child when she was only four years old. After carefully reviewing the extensive study of the child's testimony and the many methods applied therein, the court agreed with the investigative results based on DNA testing and other evidences, and so overturned the trial court's acquittal of the accused.

The Supreme Court of India declared that crime scenes must be treated in a systematic, error-free way in a case regarding the admission of DNA evidence (*Dharam Deo Yadav v. State of Uttar Pradesh*). Forensic science helps prove crime, identify the offender, and determine guilt or innocence when direct evidence is unavailable. The investigating officer must acquire as much evidence as possible to convict the criminals. While collecting, packaging, and transporting physical evidence at the crime site, the investigating police officer might avoid contamination. Safeguards must be in place to prevent the contamination or destruction of evidence and to prevent any tampering with the material.

DNA analysis and crime scene reconstruction are two areas where forensic science has made tremendous strides in recent years. Despite this, there are not nearly enough forensic science experts to use the field in court. Thanks to technological progress, law enforcement agencies all across the world now have access to a reliable tool for analyzing

criminal cases. In today's world, forensic science is vital to the process of identifying and apprehending criminals. One of the key principles of the criminal justice system is that everyone should be treated fairly. Compared to forensic evidence, visual evidence cannot be disputed. Forensic science helps the criminal justice system by providing objective evidence. Finally, Wicker of the University of Tennessee College of Law said, "If and when reliable proof is produced, The legal profession should immediately adopt scientific methods to discover courtroom and out-of-court lies.

CHAPTER III:

LEGAL ACPECT OF NARCO ANALYSIS TEST

3.1. Legal Status of Narco-Analysis Test

Any procedure must be evaluated for its constitutionality in light of the Constitution and any applicable laws. Because of the increasing urgency of the need for the Narco-Analysis test in the administration of justice, it has become a hotly discussed matter in the public sphere. When anything becomes the focus of attention, it is reasonable to assume that its legitimacy and other factors have been thoroughly examined. The legitimacy of this examination is a matter of debate. There are two schools of thought on this issue: those who think the scientific method should not be used on a person's body to extract information (backed by human rights activists and intellectuals) and others who claim it is lawful and does not violate constitutional restrictions. Human rights and other basic human rights are being violated by this sort of scientific and medical practice. Forensic science, which uses scientific methods to piece together evidence of illegal behavior, has been around since the dawn of criminal inquiry.

When this Narco-Analysis test is applied in the examination of hardened criminals, this intrusion of science has reached monster shape. While advancing along the technological route, we must never lose sight of the fact that we are God's creation, not robots. God gave us our memories, and we shouldn't let scientists mess with them. This test's dependability against the Constitution, well-established criminal law, and the accused's rights is the problem. On the other side, the evidence is clear, judges may easily issue a death sentence, the criminal is guilty, and the law should change with the times. It's a mental rape, however. Self-incrimination is breached.

3.2. Constitutional Provisions

Legality in India is determined by the Constitution, which must be upheld before any change can be made to the system. This constitutional scrutiny also applies to the legality of using scientific interrogation tactics. Part 3, entitled "Fundamental Rights," serves as a check on such questioning techniques. The constitutional requirements are used in evaluating the Narco-Analysis test. Article 20(3) assures a basic level of life. The privilege against self-incrimination underlies criminal law. Hypnotic narco-analysis is self-evident. After drugging

the subject, interrogators ask them pre-planned questions. Next comes legitimacy. I don't see how such questions can be trusted to apply to someone who is under the effect of medication or drugs. Most intriguingly, who exactly has the power to ask these questions. The Court has never weighed in on how the narco-analysis issue was posed. This discretion rests exclusively with the questioning authorities, and a realistic assessment of the system shows that there is every reason to believe it will be used arbitrarily.

The protection of one's own innocence: Once again demonstrating the cosmic link of human rights law across the globe, Article 20(3) of the Indian Constitution combines Anglo-Saxon law with Indian realities, culture, and ethos. Art. 20(3) of the Indian Constitution governs criminal inquiry and trial. Article 20(3) of the Indian Constitution prohibits self-incrimination. Accused deserve this. Criminal trials have a basic Common Law right to silence.

This Principle Exhibits the Following Characteristics:

- The accused is deemed innocent unless proven guilty.
- That It is the responsibility of the prosecution to prove his guilt.
- That there is no obligation for the accused to provide any statement against his choice.

The fundamental principle is that under any circumstances, people will not be subjected to torture, and that their freedom should not be restricted under the guise of an inquiry. The privilege against self-incrimination makes it possible to uphold human dignity and adhere to civilized norms in the administration of criminal justice by shielding individuals from having to reveal private information.

This privilege is included in Article 20(3), under which "No person accused of any offence shall be compelled to be a witness against himself." This means that "No person accused of Everyone who commits an offense will be required to testify as a witness against themselves. After careful consideration, the following components have been identified as constituting this clause: a) It is a legal protection granted to a person who has been "accused of an offence"; b) It is a safeguard against any such "compulsion" "to be a witness"; c) It is a safeguard against any "compulsion" that would force him to testify against himself, which would be detrimental to his case.

To qualify for the safeguards of Art 20(3), all three conditions must be met. Invoking Art. 20(3) requires all of the above, hence its absence renders the provision ineffective. Narco-analysis debates center on human rights and the law. Rights, liberties, and freedoms are under risk from the legal standing of using this method as an investigative assistance. Many people in India believe that the investigation agencies' practice of forcing suspects to take the exam is a flagrant breach of Art. 20(3) of the country's constitution.

When this safeguard is in place, and how it may be used:

When is the privilege against self-incrimination appropriate? However, Art. 20(3) does not accurately describe the legal position. In *State of Bombay v. Kathi Kalu Oghad*, the Supreme Court ruled that once the accused is charged, even though the trial has not started, this Article protects both courtroom evidence and previous stages. Thus, Article 20(3) applies even if narco-analysis test statements are made before the trial.

On the other hand, investigators or complainants could wrongly finger certain people as the culprits. If the findings of the tests come back negative, the accused may be exonerated. This information may not be available until after the test has been carried out. The court concluded that the objection to the test's validity at the time it was administered was untimely for this reason. Thus, only an inculpatory statement is protected under Article 20(3), and only if it is sought to be brought in Court as evidence against the witness.

This finding has intriguing repercussions, since it allows for the potential of using such data to obtain further evidence. If presented apart from the accused person's statement made during questioning, the evidence so gathered is acceptable in court. It's unclear whether or not the claim can be used in light of the findings. In the discussion of how trials are affected by and interact with the stage of a research, we examine whether or not this strategy is appropriate.

3.3. Provisions of Criminal Procedure Code, 1973

Roscoe Pound believed that the most important quality of a law is its adaptability; hence, he believed that the law's application should not be inflexible but rather flexible. In addition, the law is not a fixed system but rather a living, evolving thing. As a result, it need to continue evolving in response to changes in requirements as well as developments in society, science,

technology, ethics, and so on. The legal system should be able to take into account new discoveries and advancements made in other fields, such as science, as long as such discoveries and discoveries are beneficial to society as a whole and do not run counter to the most basic legal concepts. Therefore, it is necessary that the more refined and complex approaches replace the ways that are of a third-degree nature. The narcoanalysis test has the potential to develop into a realistic and effective alternative to the inhumane third-degree procedures. The use of the scientific method cannot be considered to be in violation of Article 20(3) of the Constitution of India if it is successful in eliciting a confession or statement from the accused using a question that does not have the potential to implicate the accused in any wrongdoing.

The notion that no wicked person should go unpunished, no matter how many there are, but that not a single innocent person should be punished serves as the foundation of our system of criminal justice. However, there is a possibility that an innocent person might be the one to get the penalty. For example, he could expose part of the information while under the effect of drugs and do so inadvertently. Even in situations when there is a potential benefit to the public, narcoanalysis should not be permitted since it violates the human rights of individuals, and these rights should never be compromised for the sake of the public good. In order to accomplish this goal, it is important to enact strong regulations prohibiting the use of narco-analysis. These laws should be written in such a way as to forbid the practice from being used against anybody, whether freely or involuntarily. Even if the examination is carried out in accordance with the protocol that has been established, there is still the chance that justice may not be served fairly. In addition to the provision in Article 20(3), the accused have the right to remain quiet by Section 161(2) of the Criminal Procedure Code, which was enacted in 1973.

It is widely established law that any evidence collected via coercion of any kind cannot be used in court as proof of anything. An person has the right, as guaranteed by Article 20(3), to choose whether or not to talk throughout any stage of an inquiry; it is irrelevant to this protection whether the individual's statements or lack of statements ultimately prove to be exculpatory or inculpatory. The clause has the purpose of ensuring that no personal knowledge of the topic at hand that is relevant to the facts in question shall be imparted or exposed by any form of coercion whatsoever. And if we examine the narco-test in great detail, we will see that it is, in and of itself, a coercive method that can be used to force a person expose their private information, even if they do not like to do so, by way of impeding

their mental processes. The Supreme Court ruled in *Selvi v. State of Karnataka* that the findings of any such tests, even if the subject agreed to them, cannot be entered as evidence on their own. This is due to the fact that the participant does not have any deliberate influence over their replies throughout the test, rendering the data inadmissible in court.

Section 315 of the Code of Criminal Procedure (1973) allows a defendant to testify for the defense. He cannot be summoned as a witness without his express consent, and no party or court may remark on his failure to testify. Section 315 prevents punishment for not testifying. It is recognized that it is the responsibility of the prosecution to show the guilt of the accused. However, it is also settled that it is not a violation of the law or of constitutional rights to provide exceptions or to throw a portion of the burden on the accused.

3.4. Judicial Precedents

The Narco-analysis test puts the subject in a semi-conscious condition in which he has no access to his own thoughts and is unable to form any imaginative representations. It has been shown that a person's ability to think and reason may be impaired if they are given such a substance. The test subject's neurological system will be disrupted, and his brain will have no say over his actions. It demonstrates that the use of such medications on a suspect is tantamount to messing with that person's life and psyche. This means that the exam touches on some very serious topics, Human Rights, life, liberty, and the right to not be incriminated. The Indian Supreme Court has ruled differently on several subjects. In the multi-crore fraudulent stamp paper case, the Bombay High Court ruled in 2004 that refusing a Narco-Analysis did not violate the right to self-incrimination. Narcotic-induced statements are inadmissible.

However, any revelations that come out of drugged interviews may be used as supporting evidence. Obtaining the weapon's location from the subject when, in his right mind, he would not testify against himself may be considered as circumventing the right to silence. Narcoanalysis has been called "mental torture" by some. The neurological system is inhibited, and the subject's inhibitions are lowered, making it effective. It's not hard to see how someone would feel like their mental space has been invaded in this situation.

The demand for the procedure should be driven by the state police agencies. The Superintendent of Police or Deputy Inspector General in charge of a case will often decide whether or not to order a narco-analysis.

Narcoanalysis was not coerced evidence in *Dinesh Dalmia v. State*, a 2006 Madras High Court judgement. "He may be taken to the laboratory for such tests against his will," the court stated, "but the revelation during such tests is quite voluntary." Narco-Analysis' syringe symbolizes obsession. Rest optional.

The Bombay High Court supported P300 or brain fingerprinting, lie detector tests, and truth serum or narco-analysis in *Ramchandra Reddy and Ors. v. State of Maharashtra*. The Pune special court confirmed the SIT's decision to investigate bogus stamp paper suspects, including key suspect Abdul Karim Telgi. The court also allowed truth serum-gathered evidence. The judgment procedure examined the distinction between a "statement" to a police officer and "testimony" under oath in court. Justice Palshikar and Justice Kakade held that narcoanalysis statements were inadmissible since they did not include a "statement" like lie detector or brain mapping tests. The court found "minimal bodily harm" in these tests.

In *Selvi v. State of Karnataka*, the Supreme Court dismissed the High Court's reliance on Narco-Analysis and other tests' usefulness, reliability, and validity. The Court found compulsion to undertake a narco-analysis, brain-mapping, or polygraph test adequate regardless of the outcome. Second, the Court found that all three tests constitute compelled testimony in violation of Article 20(3) because test responses are not deliberately and freely supplied. The Supreme Court ruled narco-analysis harsh, barbaric, or humiliating because it invaded privacy. Article 21 protects life, privacy, and the restriction on torture and other inhumane or humiliating treatment.

As the defendant in the *Kathi kalu Oghad* case contended, Article 20(3)'s "to be a witness" language protects coerced testimony acquired outside of court. The Supreme Court agreed and dismissed the case. The privilege against self-incrimination protected the right to privacy and silence in the Supreme Court. Based on the above examples, it is safe to say that the legal system has embraced the Narco-analysis test, although with some reservations. Judges' opinions tend to differ from one instance to the next.

3.5. Provisions of Supplementary Laws

Humans have the mental capacity to recline. The subject's ability to imagine and reason are both impaired when he is in a semiconscious state for the Narco-analysis test. The person is not in a position to tell a falsehood via his thoughts, but he may provide detailed responses to easy questions. He'd have a hard time making up a story and would have to stick to what he

knows for an answer. Since a person in a semiconscious state cannot control their responses, his responses are spontaneous and reliable. Twenty percent of those who submit to a narco-analysis are ultimately judged to be clean. Therefore, these methods not only aid in quickly identifying the innocent, but also the genuine perpetrator of the crime, the reason and method of operation, any conspiracies involved, and the disfigurement or relocation of any incriminating materials.

The term "Evidence" is defined under Section 3 of the Indian Evidence Act of 1872. Any result from a narco-analysis test raises the issue of whether or not it would be admissible as evidence. Perhaps such a reply or declaration wouldn't count as "evidence" unless it passed additional requirements. Whether or not the test has been authorized by the court or is mandated by the court must be made clear. If the court has not authorized the test, the results cannot be used as evidence. As a result, a variety of considerations might affect admissibility. Sections 24–30 of the Indian Evidence Act, 1872 govern the admissibility of an accused's confession. "Confession" is undefined in law. Mr. Justice Stephen's Handbook of Evidence defines "confession" as "an admission made at any time by a person charged accusing him of having committed a crime by either directly declaring or implying that he did so".

A confession is defined as an admission of guilt by the accused. When we talk about statements, it might be either spoken or written. As we can see, the word "confession" has a broad meaning that encompasses both spoken and written statements. For the purposes of the Narco-analysis test, any statement made by the subject, either verbally or in writing, is considered a confession. However, the Indian Evidence Act's proviso to Section 27 prevents statements from being used as evidence if there is even the slightest possibility that the subject was coerced or intimidated into making the statement, or if there is evidence that the subject was subjected to police harassment or coercion immediately prior to the test. Such a declaration is illegal in India according to Section 24 of their Evidence Act.

Sections 25 and 26 of the Indian Evidence Act make it plain that police confessions cannot be utilized in court. The question is whether the suspect should confess utilizing this test after a brutal police probe. Narco-Analysis has helped solve several notable cases. Statements have led to critical evidence finding and multiple Section 27 Indian Evidence Act recoveries. Since the deposition in question was given voluntarily, the material it contains is admissible for purposes of this section. Article 20(3) makes evidence inadmissible if it was obtained via any kind of coercion. The Supreme Court has held that Article 20(3)'s shielding effect extends to

as interpreted with Criminal Procedure Code Section 161(2). A test taker must answer all questions truthfully under Criminal Procedure Code Section 161(2).

3.6. Rarest of the Rare Principle

The Supreme Court of India has evolved the principle of rarest of the rare. This principle says that if any criminal case is of such a grave nature that it causes serious threat to the society then in such circumstances capital punishment will awarded as punishment. The Narco-analysis test plays a vital role in deciding the rarest of the rare cases. The court has also resorted Narco-Analysis test for collecting evidences against the suspect though the information collected through this method is not accepted as single evidence but only for the purposes of collaboration of evidences. Recently, the court has allowed conducting Narco-analysis test on the suspects of the Nithari murder case.

CHAPTER IV:

THE CONCEPT OF NARCOANALYSIS FROM THE ASPECT OF CONSTITUTIONAL LAW AND HUMAN RIGHTS

4.1 Introduction

As the author puts it, "what can be accepted as confirmation in court has an inherent multi-sided nature because science has outpaced the advancement of law, or at least the understanding of law by laypeople." In India, the phrase "narco investigation" describes a new kind of inquiry that has been widely used despite the potential threat it poses. The term "Narco Analysis," which refers to a demonstrative and psychotherapeutic technique using psychotropic medications—especially barbiturates—comes from the Greek word "narkç," which means anaesthesia or torpor. To generate a trance in which strong-related mental components ascend to the surface, where the adviser may exploit them. Horseley coined narco-examination. Narco inquiry offers some legal, pharmacological, and moral discussion starters. The narco examination system violates Article 20(3)'s self-incrimination rights. Media aired Telgi's narcoanalysis tape, which started the verbal fight.

4.2 Narco Analysis from Constitutional and Legal Stand Points

Admittance given by a person who is only partially conscious is not acceptable in court, hence most of these tests lack legal validity. However, the court may grant limited acceptance if the circumstances surrounding the test's acquisition are taken into account. Lawyers in one instance argued that ordering a Article 20(3) forbade arraignment narco examination, cerebrum mapping, or lie detecting tests. Indian criminal investigations and trials are based on Article 20 (3). It maximizes self-incrimination. Common law criminal law protects against "self-implication." Craftsmanship.20(3) states that no one should be compelled to observe himself. Investigative organizations in India have tested the accused, which many say violates Art. 20(3) of the Constitution.

Legal and Human Rights issues are at the heart of any discussion about narcoanalysis testing. Concerns about the potential invasion of individual rights, freedoms, and opportunities are raised by the valid stance of using this system as an investigative guide. If another State of Bombay v. Kathikalu case must be decided, It should be noted that the

accused was compelled to offer an explanation that could be used against him. Pressure is defined as disabling, beating, or detention of an individual's spouse, guardian, or offspring. Risk or guarantee workmanship 20(3) has no bearing in this case because the defendant makes an admission without urging."

In this approach, "the benefit against self-implication facilitates the maintenance of human security and the acknowledgment of acculturated norms in the context of criminal justice." Another adage that this contradicts is "no one can accuse oneself" (Nemo Tenetur se Ipsum Accusare). No one, not even the accused, may be compelled to provide information that may be used to prove his guilt for a crime for which he has already been punished. Even if drugs induce sleep, the court should dismiss confessions based on physical or moral desires. The (CrPC) protects the right to silence. Indian Constitution Section 161(2) of the (CrPC) states that everyone must answer law enforcement officials' questions truthfully, except for those that could lead to a criminal charge, penalty, or surrender. It has been argued that narco testing breaches Article 21's right to life by compromising the right to security since it causes mental agony. The use of mind fingerprinting as evidence in court would be prohibited under laws protecting people's right to privacy.

"It is resolved that the accused has the right to remain silent throughout cross-examination due to Nandini Sathpathy vs. P.L.Dani; nobody can convincingly take articulations from the accused." These studies reinstate violent interruption in an individual's consciousness, making the Right to Silence useless and illegitimate. Article 20(3) and Section 161(2) of the Criminal Procedure Code protected her privacy. The Supreme Court upheld her demands. Narcoanalysis is also unreliable. US medical studies maintain that truth serums don't induce honest replies and that patients in a trance under reality serum may lie. Townsend v. Sain in the US found that the solicitor's admission was fundamentally banned if it was demonstrated by the police addressing during a time when the candidate's will was overborne by a truth serum.

According to the Supreme Court's analysis in M.P.Sharma v. Satish Chandra, the protection afforded by Article 20(3) extends only to limited evidence obtained outside of Court. In the instance of Kathi Kalu Oghad, the similar argument was made. The phrase "right to privacy" is not an exclusive concept; it encompasses a wide range of intrinsic rights and freedoms that people hold dear. Right to Privacy refers to a person's entitlement to an environment free from intrusive or unnecessary scrutiny. Article 21 of the Indian

Constitution guarantees this Right to Privacy to Indian citizens. No one may discuss the above themes without his agreement, however honest, wide, commendable, or basic. It would breach the individual's security and risk a lawsuit. Article 14, 19, and 21 of the Indian constitution are the greatest arguments opposing right to security.

The Division Bench said that the tests cause only little actual harm, which is unacceptable since carelessness with medicine administration might have fatal consequences. The prosecution at the Nuremberg Trial did not administer a narcoanalysis test to the most notorious war criminal of all time, Rudolph Hess, because of the high probability that the test would prove fatal.

"Damage is defined in Sections 44, 323,324,328 of the Code of Criminal Procedure, and the punishment for which may extend to 10 years of detention. As a result, opiate medication management equals harm. Furthermore, the validity of investigative testing is not out of bounds for debate. It is important to review foundation of article 20(3) of the constitution. The accused should not be forced to incriminate himself under British and American criminal law. One extension of teaching was the preparation of reports by a charged in response to subpoena or other legal action. In R v. Purnell, the court authorized a principal to analyze books in a criminal arraignment.

4.3 Narco Analysis in India

A couple of majority rule nations, India most outstandingly, still keep on using Most developed and fair governments prohibit narcoanalysis for investigations. Media and faultfinders highlighted a few questions about narcoanalysis test's validity as an exploratory tool, its tolerance in official courtroom intrusion of individual main rights, and its usefulness as evidence, which rekindled my excitement. In India, anesthesiologists, therapists, clinical/measurable clinicians, sound videographers, and supporting nurses do the Narco assessment test. The criminological analyst will report on the disclosures using a reduced plate of sound video recordings. To guarantee disclosure quality, polygraph and cerebrum mapping tests may be administered.

Narco examination is relentlessly being used in India's testing, legal, and academic institutions. In State of Bombay v. Kathi Kalu Oghad, a case heard by a panel of eleven judges, Self-implication requires the transfer of data based on the individual's understanding, hence court archives may not be generated mechanically. "Without any law subterranean

insect interruption in major rights must be struck down as illegal," according to the Ram Jawayya Kuper case, and "official force can't interfere with either established rights and freedom, or besides some other privileges of a man."

Sections 160-167, Cr.P.C., apply to lie detection tests. However, the decision to take a polygraph test should not be left to police discretion. Unless legal, it's illegal. However, if the person consents, it may be authorized. "Free assent" indicates voluntary consent. This illustrates willfulness. If a guy says, I want to take a lie detector test to prove my innocence. It shows that he or she was deliberate, however it has to be shown whether or not the act was forced. If the police inform a guy that he must If the police say, "Take a lie detector test to prove your innocence," or "Take a lie detector test, and we'll let you go," it shows that they have agreed to use a lie detector test and that their decision was not premeditated. Statements like this are considered inherently accusatory.

4.4 Admissibility in the court

Although a great deal of information was gleaned by narcoanalysis, the method was not without its detractors; some opponents voiced serious concerns about dosing the observer with serum in order to distill the truth. Evidence collecting and support may benefit from narcoanalysis. However, it is debated whether or not this amounted to an overt violation of human rights, personal freedom, and equal opportunity.

"Legal advisors are split on whether the results of Narco exams and P300 tests may be used as proof in courts, with some arguing that statements made by a partially awake person cannot be used as evidence. The court will analyze the context in which the report was obtained and make a determination as to whether or not it is admissible as evidence.

Tests may confirm, verify, or integrate other findings. If this test isn't approved in court, it can't support routine examination evidence. India's 2002 Godhra atrocity employed narco-examination. The accused opposed narco-investigation before the NHRC and Supreme Court of India after the Gujarat Arun Bhatt seizure case. Abdul Karim Telgi was retested in December 2003. Telgi's data was questioned. The Bombay High Court affirmed the P300 brain mapping and narco investigation test in Ramchandra Reddy and Others v State of Maharashtra. The court accepted narco investigation drug-induced evidence. However, defense and human rights lawyers concurred. that the narco examination test was a backwards method of interrogation at best and cruel and unusual punishment at worst, and

that there had been legal lapses in the cross-examination of suspects using medicine as a legal defense. The legendary serial murders that have plagued Nithari town (Noida) are at the center of a narco investigation. Mohinder Singh Pandher and Surendra Kohli, the Nithari serial murder suspects, underwent narco investigation tests in Gandhinagar, Gujarat.

In any case, In 2006, the Supreme Court of India instructed a metropolitan judge to undertake narcoanalysis on K. Venkateswara Rao in the Krushi Cooperative Urban Bank case, indicating the judicial judgment on narcoanalysis. A court judgement was required since Mr. Rao refused to sign the assent structure and the Gandhinagar Forensic Science Laboratory refused to conduct a narco-examination test, completed and signed. Expect Supreme Court ruling.”

4.5 Feedback of narcoanalysis test

Narcoanalysis is criticized for being imprecise. Certain topics lie. Certain topics lie completely. It seldom inspires truth, thus it shouldn't be used to evaluate the police's statement before medication. A guy who lied about his medical history was discovered even after medicine was properly prepared. If you're dealing with a cheat or a dishonest person, it won't help much. Medication dosage recommendations are notoriously difficult to get correctly. Medication dosages will be adjusted based on the individual's level of self-control, mental health, and physical condition. Narcoanalysis tests that do not need infusion are valid.

It needs a talented questioner who can ask later and beneficial questions. Narcoanalysis reconstructs memories the suspect forgot. If used to admit guilt, this test result may seem unlikely. Medication-affected suspects may hide data or lie about episodes. Criminal examination does not use narcoanalysis. Narcoanalysis may aid mental therapy. No suspect should be subjected to a polygraph test as part of a criminal investigation without his or her knowledge and consent.

Right to self implication: Is it against open interest:

One counterargument to the testimonial impulse theory holds that the Narco Examination Test is not invalid since it is utilized as a guide for obtaining evidence and assists in examination. This avoids abusing the holy procurement for self-implication guarantee. Narcoanalysis supporters believe it is particularly useful when there is a need to evoke facts for terrorist crimes. However its application must be evaluated equitably with the goal that it can be supplanted by existing ordinary technique for cross examination which

brought disgrace, disgracefulness and notoriety to police prompting disintegration of believability of criminal equity framework. Narcoanalysis can advance as reasonable powerful exchange to primitive third degree strategies. However, the investigating officer must not abuse this approach and always utilize it for checking. The Madras High Court ordered a directed polygraph test to ascertain responsibility in *Dinesh Dalmia v. State of Madras*.

His silence cannot be broken by force, no matter how much a narcoanalysis or mental mapping test on the condemned could reveal the truth. The incongruity of modern law is that although many academic voices have been drawn in to defend the rights of those who have been falsely accused, no such voices have emerged to defend the public interest or the common cause. Many people lost their life savings and investment money meant for training their friends and family in the Krushi and Charminar Bank Scam. to marry their children and retiree benefits disappeared abruptly, destroying their dreams and leading them to bankruptcy and death. When the Krushi Bank MD was arrested, he refused Narco inquiry.

If the right against self-implication is upheld in such cases, it would be detrimental to the evidence and a rejection of equality for the broader public.

By manipulating loopholes in the legal system, murderers, money launderers, and terrorists are allowed to go unscathed. In all of these situations, we resort to illegal methods in order to protect the economic security of the accused at the expense of the rights and lives of others. The present criminal equity framework is fixated on individual freedom and flexibility and in this connection a protected section done without and lawbreakers because of shortcoming in the hoodlums because of shortcoming in the criminal equity framework prompting weakening of confirmation. Since the legitimacy of the test and suitability of Narcoanalysis is maintained contemplating the circumstances under which it was gotten , there is a little probability of unsuccessful labor of equity when regulated according to technique recommended and watching the due security safeguards, the worry with respect to advice of blamed and faultfinders is baseless. When a controlled Narcoanalysis test is procured and made required for the accused and witnesses in serious crimes, it would pave the way for improving the character of criminal justice by bolstering the evidence framework. As a result, the criminal justice system will undergo a qualitative shift, with operation theaters replacing the previous death assemblages of police headquarters and providing a glimmer of hope that justice will ultimately win.

The law changes with society, science, and ethics. The legal system should accept scientific advances that don't violate legal principles and benefit society. Few nations, including India, utilize narco investigation. Narco tests for cross-examination have been debated in India. Our judicial system and the public will soon realize it. Various Supreme Courts have been petitioned to uphold the legality of the Narco inquiry. There is a clear divergence between these rulings with the previous Supreme Court rulings that translated Art. 20(3). The truth is found in the fact that the Indian criminal justice system's cross-examination technique for narcotics cases is still in its infancy and follows no established precepts or standards. Several high courts have received petitions defending the legality of narco examination. There is a clear divergence between these rulings with the previous Supreme Court rulings that translated Art. 20(3). The Central government must adopt a systematic approach to narco investigation to preserve India's commitment to individual opportunity and criminal equality.

4.6 Narco-Analysis: A Boon For Criminal Justice System In India

Law is dynamic and must adapt to changing societal requirements. Law changes society, and lawyers must translate it for the public's advantage. Thus, the legal entity must keep up with human progress. To battle sorted out wrongdoing, its location, examination and avoidance strategy must be utilized synchronously.¹ In the event that the culprits utilize new innovation in carrying out the wrongdoings, the requirement offices must be utilized to the new procedures in settling such violations. In the event that the implementation organizations don't utilize these new innovations for unraveling such confused the wrongdoings, it would be exceptionally hard to recognize the culprits of such violations. Thus, in light of the fact that more sophisticated criminals are abandoning safe houses in favor of more high-tech methods, it is imperative that we find new ways to counteract this trend. Commenting on this issue.

Science and innovation are transforming legal requirement tactics everywhere. If the public is unprotected, modern civilization requires experimental wrongdoing recognition methods. There are many ways to spot deception by suspects and accusers. Most tactics include physical or emotional anguish. However, modern polygraph and brain-mapping tests may detect misdirection without harming the person. Investigative and criminal techniques

¹ Nathuni Yadav v. State of Bihar (1998)9 SCC 238 at 242

are merging to accelerate examination strategies. Crucial to proving either guilt or innocence in a court of law is the availability of experimental systems. There is certain to be confusion regarding what constitutes admissible evidence in court since scientific advancement has outpaced the evolution of law, or maybe the laymen's comprehension of it. In India, narcoanalysis is one of these pioneering practices that has become unquestionably, and maybe dangerously, commonplace.

Medications may induce a trance state known as narcosis. For mental health problems, the ancient Egyptians relied only on opium as a restorative aid derived from opiates. In 1936, J. Stephen Horsely used the term "Narco-Analysis" to describe the practice of administering opiates to induce a trancelike condition in which the patient is more likely to speak freely and to whom more intense psychotherapy may be more easily applied. These days, we put suspects, condemned individuals, and criminals through psychiatric and narcoanalytical testing to understand their actions.

"Despite being a misnomer, the word 'Narco-Analysis' is gaining a lot of traction in the legal industry. Therapists have perfected a method of psycho-investigation called abreaction, to induce hypnosis using a short-acting opiate. Narco-Analysis guides experimental cross-examination as psychotherapy. Chemically sedated or partly conscious men injection, and then interrogated while in this altered state. According to the researcher in charge of the Narco-Analysis test, the suspect "misfortunes discretion and talk truth" when they are in a condition of partial consciousness.

The phrase "Narco-Analysis test" was coined in 1936 and is now often used in the area of forensic research." 'Narco-Analysis' is a name used to characterize illustrative and psychotherapeutic methods that made use of psychotropic medicines, most notably barbiturates. The phrase originates from the Greek word 'Narco,' which denotes anaesthesia or torpor to generate a trance in which strong-related mental components ascend to the surface, where the adviser may exploit them. Drug mesmerizing, truth serum, or narcotic spellbinding are other names for it. It rationalizes cognition and connection. Webster Dictionary defines narco-analysis as psychoanalysis that uses drugs to induce a sleep-like condition. Truth medicines or serum are these substances.

It's also been described as psychotherapy administered to a patient under the influence of barbiturates or other drugs in order to facilitate the release of suppressed thoughts, feelings, and memories. Only utilize it when a patient's answer is urgent.

This test is scientific because a person in a natural sleep-like state is more inclined to deceive by using his imagination. The subject's inhibitions are lowered by molecular-level probing in the Narco-Analysis test. When he's in this kind of shape, lying is more trouble than it's worth. Even in such a slumber, every attempt is made to get the facts about the crime.

“The Narco-Analysis test uses 3 grams of Sodium Pentothal diluted in 3000 ml of distilled water and 10% dextrose intravenously over three hours with a competent anaesthetic. Barbiturate thiopental sodium increases neuronal membrane chloride ion permeability, inhibiting the brain. from the cortex to the lower brain areas and alcohol-like disinhibition at merely neural inhibition. Restricted behaviors. Higher doses of drowsiness may impair autonomous cognition and conduct. The medicine lowers the hypnotist's resistance, enabling him to formulate the inquiry and extract a proper answer. This has several difficulties. If the subject is given too little narcotics, they may be able to lie their way out of the predicament; yet, if they are given too much, they may go unconscious, affecting the accuracy of their answers. Sodium pentothal binds to the inhibitory neurotransmitter gamma-aminobutyric acid (Chloride channel super complex), producing a complex at a site that regulates the permeability of chloride ions across the neural membrane. At a low enough dosage that you don't become sleepy, or more precisely, disinhibited without realizing it. since a result, lying is much more difficult, since the inhibition barrier is lowered.

Anesthesiologists, psychiatrists, clinical/forensic psychologists, audio-video graphers, and supportive nurses query this problem. The team monitors the accused's pulse, heart rate, and expression. and body temperature. The procedure is videographed from start to finish. In order to reduce ambiguity during drug questioning, the questions are carefully crafted and repeatedly asked. The report on the revelations will be written by a forensic psychologist. The suspect is made to relax for 2-3 hours after the Narco-Analysis examination is completed. The expert's report aids evidence collecting. The test result validates a criminal's participation for the investigator. To verify the disclosure, the individual is polygraphed and brain-mapped.

The investigative agency conducts the interview with the person in the presence of a medical team. There are tapes and recordings of the full testing procedure. The report from the expert is taken into consideration throughout the gathering of evidence. In government

hospitals, an expert will perform the test if a court order instructs the physicians or hospital officials to do so. The accused's signature is also needed.

The drug doses used in this study "may differ" depending on the subject's gender, age, general health, and fitness level. By acting on the central nervous system (CNS), the medication reduces the heart rate and blood pressure. When someone's speech slurs and they become more conversational and cooperative, it's safe to assume that he or she is under the influence of drugs. Slurred speech is usually a sign of a patient in a semi-narcotic condition. The examiner satisfies himself/herself by using his/her finger to test the patient's ocular muscles. The needle is left in the patient's vein because different people require varying amounts of the medicine and because maintaining a narcotic state necessitates continual drug administration. When the medicine is delivered with caution so that the patient remains semi-awake and does not fall into a deep slumber, the drug is considered safe."

While under the influence of hypnotic medication, "the investigators ask the suspect a question, and the suspect answers the inquiry without constructing a false response." Scopolamine, Sodium Pentothal, and Sodium Amytal are used because they are thought to lessen the subject's ability to lie. But this isn't the entire truth either. Despite the sedative effects of these drugs, the study's authors observed that some participants preserved the capacity to recall previously forgotten parts of the experience. Under the influence of narcotics, there is no guarantee that the person will speak the truth.

4.7 Success Rate of Narco-Analysis Test

As long as the technologies are scientific, they cannot be linked to torture. The Bangalore Forensic Science Laboratory has tested over 300 criminals using this test. According to the investigating agencies, the test's success rate was around 96-97 percent. 25% of Narco-Analysis testees were innocent. Thus, when investigators are suspected of utilizing third-degree procedures to get information from the accused, the public and human rights groups voice their disapproval the rights of the innocent have been established, and now it is time for the authorities to use scientific techniques of inquiry, which are very effective in solving crimes.

4.7.1 History of Narco-Analysis Test

"When a man's brain is narcotized, he discovers reality and the ideas that he usually hides. With these meetings, In 1804, Thomas De Quincy found that opium, like alcohol,

activates the heart and exposes hidden emotions. Cocaine, ether, booze, scopolamine, barbiturates, psychedelics, and sodium cyanide may all induce narcosis.

In the middle of 1903-1915, agents utilized gentle sorts of anesthesia generally utilized as a part of obstetrical practices. For separating reality or acquiring admission from suspect examination utilized liquor as a truth serum which discouraged the focal sensory system (CNS) The adage that "where there is wine, there is truth" was universally recognized at the time. Intoxication causes a person to "lose their tongue and wipe out severe impact," which is "like a noteworthy condor" or "an opportunity from hindrance."

It was observed about a century ago, with the introduction of anaesthetic, that patients tended to make quite guileless statements regarding personal problems which in their ordinary condition could never have been discovered.

It was shown in 1953 that a single administration of LSD to masochist patients was effective in activating abreactive memories. It was also discovered that beneficial images might be augmented and prolonged by using minuscule quantities of mental flight. The term "psycholysis" first used in the context of LSD-25 during the First European Symposium for Psychotherapy in 1960. Psychosis may be treated with little doses of psychedelic substances in treatment. Dreamlike as these interactions were, there was no mistaking the fact that they were occurring in a controlled altered state of consciousness.

The patient is left laying on a bed in a nearly horizontal position while a trained medical attendant checks on them, talks to them, and gives them their medicine in measured doses. The patient is urged to remember that the doctor is in charge and to accept the visions and images without question. His or her feedback during these operations is recorded or written down and then given to the patient to use as part of a review file. Medication-free meetings follow. Drug-induced experience supports this strategy. These sessions might last a year. Psycholysis is for patients who refuse therapy. Psycholysis was used in 18 European centers in the 1960s, treating around 7000 patients in 15 years. Alnaes and Grof proposed "psychedelytic" psycholytic and hallucinogenic techniques in 1965. It's extremely innovative."

The Frye Trial In the United States, courts generally treated investigative evidence as if it were any other kind of proof prior to 1923. The Common Law provided the guidelines for what constitutes an acceptable confirmation. No specific principles were written down. In

1923, a murder case in Washington, D.C., provided a new backdrop for unique exploratory evidence. The murder trial of James Frye had begun. The evidence in his case seemed to have been the result of a polygraph-like device that foreshadowed modern lie detectors. He assured everyone that the test result proved his integrity. He accepted the prosecution's objection to his unusual evidence. The trial judge's decision was upheld. The bid court said that innovative experimental evidence must satisfy the pertinence defamed and surmount an additional hurdle as revealed in its conclusion.

It's difficult to pin down the point at which an idea moves from the exploratory to the self-evident stage, when a logical guideline or revelation has gone too far. While a court may be willing to grant significant weight to expert testimony derived from a widely accepted exploratory guideline or revelation, the underlying data must be sufficiently well-established to enjoy widespread recognition in the field to which it pertains.

Therefore, the accused for novel exploratory or specialized confirmation that left this option was that the hidden rule that administered it, more often than not accomplished general acknowledgment within the specific field in which it has a place, before new experimental procedure could be presented in court. The court did not make a decision on a key point, however: what counts as "general acknowledgment." The obvious solution to this problem has never shown itself. It has come to mean, pretty much naturally, that the strategy and standards ought to have been distributed in a companion investigated diary or other identical introduction to the field. This suggests peer inspected for a diary and production implies that a system will be for the most part acknowledged. There are various case in all logical rule tries where this has not been borne out. Numerous major and strong exploratory standards have never been provided, and many approaches have been distributed and afterwards proven untrustworthy.”

For the next 70 years, the Frye case served as the yardstick by which federal courts and about half of the States evaluated the legitimacy of emerging lines of reasoning. At the same time, several unique approaches to investigation were vulnerable to Frye challenges in various jurisdictions. Methods like blood-spatter analysis, polygraph tests, and even DNA typing were among them.

The original Congress approved a proof code on January 2, 1975. In a 1969 preliminary draft, the U.S. Supreme Court had recommended this. The program went live on July 1, 1975. According to rule 702 of the basic framework of tenets of evidence, it was the

burden of the defender of master affirmation to show that the master was qualified and that Emotion confirmation would have helped the judge uncover reality. After Congress established the new confirmation code, federal and several state courts debated whether to utilize Frye or the new Federal Rules to examine investigative evidence. The Supreme Court decided in *Dubert v. Merrill-Dow*:

➤ **Dubert v. Merrill-Dow**

In the federal District Court case *Dubert v. Merrill-Dow*, a pregnant woman took Bendectin, a Merrill-Dow drug that had been recommended for pregnancy-related nausea. She sued Merrill-Dow when her child had congenital defects., alleging that Bendectin was to fault. Deubert had no quick means of establishing that Bendectin was the cause of the abnormalities due to the lack of understanding of the molecular mechanisms of birth defects. Instead, studies regarding the spread of disease and its origins and consequences for broad populations were relied upon by the offended party. Both the complainant and the defendant retained the services of statisticians to determine whether or not Bendectin use during pregnancy was associated with a higher risk of having a child born with a birth defect than in the general population. The master for the plaintiff argued that there was an increase in birth defects among children of Bendectin clients, while the master for the defendant concluded that the plaintiff's master did not employ methods that are generally acknowledged by established researchers in reaching his conclusions. According to the appellate court, the trial judge used incorrect criteria to decide. The Supreme Court reasoned that lower courts could no longer employ the Frye criterion and that the regulation's wide recognition was not the ideal measuring stick for logical or specialized confirmation. Judges must apply the significance standard to distinctive logical or specialized evidence. a witness certified as a specialist by knowledge, ability, experience, preparation, or training may testify thereto as an evaluation or anything else." The court indicated that the judge must decide whether unique experimental confirmation is authorized. Thus, the court provided a few watchman considerations for a judge to consider. These criteria were not intended to be comprehensive, but rather not just suggestive:

(a) Falsifiability: It may be a good sign of legitimacy if the hypothesis or rule that drives a new approach has been examined repeatedly to see whether it is incorrect, and the hypothesis has always been validated. A proper assessment method has to be put in place before this can be deemed a reliable starting point.

(b) Knowledge of mistake rates: A court may likely assess a strategy's merit and legality based on its blunder rates. However, for certain treatments, mishap data is scarce."

(c) Peer survey: A system, method, or rule has shown experimental legitimacy if it has made it through the associate audit handle and been deemed worthy of dissemination. However, the problem of the diary's credibility and insight into the real world mitigates this.

(d) General acknowledgment: The U.S. Supreme Court has never indicated that widespread acceptance is a sufficient criterion for determining constitutionality. The court implies better grounds. The court never defined "general acknowledgment."

"The court ordered new logical approaches must be founded on investigative criteria, not supposition, and to demonstrate the experimental basis for the standards.

4.8 Utilization of barbiturates in Narco-Analysis Test and its Effect on Human Body:

"Right now, the police are adopting Narco-Analysis exams as a beneficial way for examination, replacing physical intimidation and time-consuming demands via direct addressing (sometimes due to lack of ability and wastefulness) with direct tactics. When a guy takes an intoxicating drug, such as barbiturates or other similar substances, the blood transports that material to the mind. Each substance found in the blood does not have the ability to cross the blood-mind barrier; nonetheless, It is possible for any intoxicant to achieve this. These materials are used as Anesthesia operators to increase visibility during surgical procedures, hence reducing pain.

"When used as part of a Narco-Analysis Test, this medicine has a depressive effect on the CNS, as well as the heart and respiratory systems." It tinkers with the cytochrome protein architecture and discourages it. It lowers renal yield, causes the temperature-controlling trot to fall flat, and causes the respiratory framework to lose motion quickly. In this test, barbiturates are treated like any other medication. An excellent action setup is envisioned. Moderate sedation, complete anesthesia, and death are possible. These opioids reduce anxiety and stress and treat peptic ulcer, hypertension, and other psychogenic illnesses at low doses. At three to five times the soothing dose, barbiturates are hypnotics and cause slumber or obviousness, which may stimulate the user. In large dosages, barbiturates suppress the focused sensory system like vaporous soporifics, acting as analgesics. Barbiturates stop respiration in excessive dosages, causing death. Barbiturates mostly influence higher mental

functions. The medications' improved nerve tissue capacity seems to initially affect the cerebral cortex, the location of the latest changing improvement and the center of the most complex mental processes. One plausible explanation for the medicines' impact on higher brain centers is that they suppress the multifaceted, mutually beneficial interactions between cells in the specialized sensory network. The medications seem to have the most pronounced impact on the most complex neural cell chains, the ones that regulate the most advanced human abilities, in settings with several such chains. Even at low doses, barbiturates impair cortical function by inhibiting the sensory ascending (tangible) circuits. This is a well timed part of the sedative process that has the same calming effect as a couple of drinks after dinner. There is a decrease in response to reinforcement. At higher doses, the cortex no longer effectively incorporates data, and the cerebellum, the lesser cerebrum now and again called the colossal modulator of anxious capacity, stops to execute as a control box. It no longer contrasts cerebral yield and information, no longer educates the brain war rooms of basic alterations, and fails to generate remedying summon signals. Mindlessness and excessive lethargy follow. Even harmful enhancements can't move the topic. Finally, breathlessness. Narco-Analysis test may increase risk-taking:

- 1) According to a barbiturate overdose expert and a vasoconstrictive specialist (maybe used). Dangerous is the quantity and emphasis, which may exceed age, size, health, weight, and other criteria.
- 2) Rapid retention from very absorptive zone or as a consequence of nearby Vasodilatation may bring about a threat.
- 3) Accidental infusion into a primary vessel.
- 4) It's possible that talking about these drugs, or even a combination of them, is too sensitive a topic.
- 5) Adrenaline is injected too close to the finish line, as often happens by accident, the situation becomes dangerous.
- 6) A mistake or lack of attention may have serious consequences, such as the continuation of excitatory activity in the central nervous system, which can cause shaking, or the cessation of respiratory movement, which can pose a serious threat to life. The possibility that it might affect the heart is small.

4.9 Critical Analysis of Narco-Analysis test in Medical Science: An Appraisal

The therapeutic, experimental, moral, and legal implications of tests like the double-dealing recognition test (DDT) and the narco-analysis test are substantial. In the field of mental health, narcoanalysis has been used to help in the diagnosis process. It plays a reparative and intervening role. The psychodynamics and behavior of the patient render narco-analysis useless. It's also useful for learning the patient's mental make-up. One of the therapeutic uses of narcotic analysis is to "restore discourse to quiet individuals," "resuscitate memories in cases of amnesia," and "articulate suppressed or quelled thought or conflict."

"The distinction between forgetfulness and malingering is crucial for a therapist. When it comes to cases of malingering, narco-analysis does not provide very helpful results. Depending on the severity, forgetfulness might be classified as anticipated, hazy, or insane amnesia. The accused's accidental remark or written explanation often reveals a pretended forgetfulness. Malingering is associated with a kind of forgetfulness known as "sketchy amnesia," in which forgotten and remembered events flow into one another randomly. Genuine amnesia should not be diminished by being ignored or by statements that imply forgetfulness. Mental trauma follows episodes of psychotic amnesia.

Each and every one of us needs the services of a doctor or lawyer at some point in our life. The intersection of medicine and law yields the field of medicolegal studies. Counselors and judges in the legal system know this, but the general public does not. Expertise in restorative justice is widespread, even among non-specialist legal advisors. Despite how important it is that they think about it. Therefore, in the case of professionals who have minimal knowledge of law, it is essential that both parties know each other relatively well. They are blind to the value of the alternative vocation. This gap is filled by medico-legal professionals who provide open lines of communication between the two branches of medicine. Experts will likely be unable to answer legal adviser and judge queries if they do not analyze the law and provide their report in court. Medical jargon-unfamiliar lawyers would also fail to safeguard their clients. Others want social events in court and a guide. When a man is attacked, an opiate addict is taken to court, or evidence is provided for study, both callings intersect. Law and science intersect in so many answers." Psychiatrists and psychiatrists frequently use sodium pentothal in the final stages of a patient's treatment and/or when conducting a diagnostic evaluation of a patient's mental state, and the drug is also used in the narco-analysis test.

4.10 Noteworthiness of Narco-Analysis test in legitimate science

Narco-Analysis is becoming more important. It's crucial throughout criminal investigation season. The misbehavior inquiry relies on it. Narco-Analysis is frequently thought to reveal the truth. As a result, the investigating offices are in charge of putting the implicated individual to the test. Narco-Analysis tests have been ordered in a wide range of circumstances by research offices. It is used as a preventive measuring device to separate the planned wrongdoing, blasting the plots, and it can turn out to be a critical method to keep the written wrongdoing in the hands of trained masters. The purpose of the narco-analysis test on the accused is to provide information on the following three questions.

- (a) What kind of information may be gleaned from a narcoanalysis?
- (a) When doing a narcoanalysis test, what should be expelled?
- (c) Have the results of the Narco examination been determined?

In the main class, the person is held responsible since there is sufficient evidence and just a few links are missed to link the offense to the accused. In the second category, he is a scapegoat because of the situation. The protest, witness statements, and lack of proof place him in the third category. Therapists employ narco-analysis on patients to understand their mental state regarding a subject they are not ready to discuss. Law enforcement now investigates using it. In police investigations, physical force has replaced time-consuming demands in hopes of a rapid outcome. Sir James Stephen represented police force and coercion. He hated this term in 1883: "It is far more pleasant to sit serenely in the shades, rubbing red pepper in a poor villain's eyes, than to go about in the sun chasing up confirmation." The police are administering a narcoanalysis test to the suspect in a more sympathetic manner by adopting a third-degree method. These examinations focus on facts rather than mentality so that they may be used against the suspect as evidence.

Denver District Court Psychologist J.M. Donald has testified that a pharmaceutical cross-examination raises reasonable doubts about whether or not a defendant committed a crime. Intoxicated on barbiturates, a criminal associate may persist in delivering an untruthful statement or dishonestly acknowledge to a crime they did not commit. In particular, the psychopathic identity seems to be resistant to the effects of treatment. He inferred that a man who gives false data preceding getting medications is liable to give misleading information

under Narco-Analysis, that the drugs are restricted in identifying misdirection and more effective in revealing accidentally suppressed information than purposefully repressed data.”

"In India, like in other countries, a Narco-Analysis test is led by police to assist distinguish between the innocent and the guilty. Despite their minor acceptance in Indian police work, Narco-Analysis tests involve drugs, which have led to charges of mental third degree and a rational approach for cross questioning. In recent years, various investigative agencies have adopted new cross-examination tactics in a range of instances. It was utilized in 2002 for the Godhra Carnage test, 2003 for the Abdul Karim Telgi case, Arushi murder case, Nithari case, and others. This affects reputable science greatly. Its reliability and legal admissibility in a formal judicial setting have been called into question. Inquiries into legal and human rights issues are integral to the Narco-Analysis testing process. However, there are real concerns that arise when this method is used as an investigative guide, including the potential for a violation of an individual's rights, freedoms, and flexibility. As crimes get more complicated and offenders become highly skilled specialists, narcoanalysis by the investigating office may be very valuable since, even if the conscious personality does not accept reality, The unconscious may find vital clues. Even in the best state, lying, delusion, and convoluted debate might contaminate such exams.

Narco-Analysis in Criminal Justice: An Evaluation With a focus on science, technology, and innovation, the Criminal Justice System needs to improve its poor conviction rate. Narco-Analysis requires a sensible plan from the central government. Science developments should be absorbed by the legal system as long as they comply with the law and benefit the public. Narco-Analysis in criminal cross-examinations greatly affects both the innocent and the guilty, speeding up justice. There has been a reevaluation of criminal equity foundations to help the police, prosecutors, and courts deal with the ways in which modern criminals use technology and science to commit crimes with relative impunity.

“Every legislature, regardless of structure, must uphold the law and serve the public. Criminal Justice System (CJS) performs these core functions. Oxford word reference defines framework as a group of related items or organs having a regular structure or capability. Criminal Justice System (CJS) is a combination of government agencies that ensures public justice. This framework is the foundation of every society. Every administration whatever be its structure, must maintain the law and keep up in the general public which it oversee . The Criminal Justice System (CJS) is responsible for primarily

carrying out these core functions. According to Oxford Dictionaries Online, "framework" means "a system of interconnected parts or organs" (in this case, physical or logical). The Criminal Justice System (CJS) is the interplay between several branches of government charged with ensuring that all members of society are treated fairly. The entire foundation of any social order rests on the soundness and longevity of this framework.

"New wrongdoings are emerging with the rapid increase in modern state activities, individualization, and economic and political changes," Murder, assault, deceit, dacoity, domestic violence against women and children, and custody violations are rising alarmingly. The judicial system mistreats fugitives. Because its multiple sub-arrangements have failed, the Criminal Justice System has lost credibility.

In the 58th report of the Law Commission of India, Equity Gajendragadkar highlighted the following objective facts, all of which are crucial: "We have sound legal convention and a levelheaded and precise legal procedure." There is no question that these factors have had a very positive impact on the country. We have always valued the pre-independence period's legacy, including a free and competent legal system, a unified legal framework, and a modernized approach to doing things. The judicial system deserves the praise it has received.

The wheels of development keep spinning inexorably forward because of scientific and technological advancements. Progress has had an affective impact on every aspect of human existence. Breaks of the law will be more commonplace than ever before due to a combination of rapidly developing technologies and legislation designed to rein them in. In the age-old struggle between wrongdoing and justice, the future will be a race to discover who can wield the most advanced aptitude on either side of the conflict.

Criminal justice uses narco-analysis testing widely. It helps explain misbehavior clearly. Criminal justice screening uses narco-analysis. Dr. S. L. Vaya, the Deputy Director of DFS in Gandhinagar, Gujarat, has said that narcoanalysis is a valuable and non-intrusive tool for investigating and preventing wrongdoings, and that if used experimentally, it can help thoroughly cross-examine the suspect. There is a wide range of tactics available for conducting a thorough cross-examination of suspects, including the "third degree," the Polygraph, mental profiling, electrical actuation, and mesmerizing. NarcoAnalysis has become the standard test method. Science and innovation propel development ahead. Changes in every element of life have been dramatic. Innovative legislation will lead to new

crimes. Mechanically improved criminals and law enforcement agencies will battle to see who can best advance either side of the age-old struggle between wrongdoing and equity.

It audits criminal justice systems. Criminal defendants may undergo narcoanalysis.. This evaluation method shouldn't be used routinely. It should be used in those contexts when the enthusiasm of people everywhere is at stake. In the event of a terrorist attack, it may also be used to "read the mind of the suspect in order to prevent any more terrorist acts from being committed."

Accused of being involved in the fraudulent stamp paper case known as *Ranjit Singh Brahamjeet Singh Sharma v. State of Maharashtra and Another*, or the *Abdul Karim Telgi* case. The accused person was brought in for a polygraph examination. After first meeting and questioning him, it became clear that he was withholding key information. He was also implicated in a scheme involving counterfeit stamp sheets, in which he falsely claimed to have worked with law enforcement. He was made for a brain scan the next day. The court ruled that there was insufficient evidence to determine the extent to which the report of the mind mapping test's acceptance could be relied upon. Its reliability will determine whether or not exploratory testing can be conducted. Further research is needed to determine whether the brain mapping test has reached a level of maturity where a court can rely on the resulting report. Regarding the admissibility of the cerebrum mapping test in this case, the court did not reach a conclusion.

In *Ramachandran Reddy v. State of Maharashtra*², The Bombay High Court upheld the legitimacy of using the P300, also known as the Brain Mapping and Narco-Analysis test. The court ruled that a confession made while under the influence of a narcoanalysis test was admissible. As crimes become more high-tech, the criminals who commit them become professionals who plan out elaborate new methods. Since then, narcoanalysis has played a significant role in identifying criminal activity. The court also found that "negligible real damage" should be part of this criteria.

On account of *State of A.P. v. Inapuri Padma*³, Andhra Pradesh's highest court ruled that lawyers who are not their clients' accused perpetrators do not need the court's permission to undergo a narcoanalysis if they do not object to the procedure. In cases where witnesses refuse to take part in a polygraph examination, law enforcement must obtain a

² 2009 Cri.L.J2189 (All) LK Bench.

³ 2004(7) KarLJ501.

court order, explaining why they "have reason to believe that the person upon whom they propose to administer the test has information relevant to the commission of the offense."

In the celebrated instance of *Santokhben Sharmanbhai Ladeja v. State of Gujarat*⁴, The Narco-Analysis test has been upheld by the Hon'ble Gujarat High Court on the grounds that it is administered by qualified personnel and with care, so any residues of the claimed offending drug throughout the operation cannot be questioned. The court is questioning a witness to determine whether Narco-Analysis and Brain Mapping violate Articles 20(3) and 21 of the Indian Constitution. The court found no compelling reason to undertake a Narco-Analysis or Brain Mapping test on the accused. Criminal Procedure Code examination does not need judicial approval. Narco-Analysis and mind mapping tests on the accused do not violate Article 20(3) and Article 21 of the Indian Constitution.

In *Abhay Singh v. State of U.P.*, Justice Barkat Ali Zaidi ruled that hairs and nails of the accused might be used if the accused refuses. If allowed, Narco Analysis and Brain Mapping should follow. Identifying the culprit is crucial because one bad individual who gets away is the faith of a million. Thus, the Courts must be flexible with the indictment's attempts to expose the truth. If Narco-Analysis and Brain Mapping pass, provide light on the specifics of a crime, then it should be employed. The judicial system should not try to discourage it.

The Nithari case's basic denounced, Surender Koli, has recently been the focus of attention in the case of *Surender Koli v. U.P.* In January 2007, the Gandhinagar Forensic Science Laboratory performed a NarcoAnalysis test on the accused to verify his jail cross-examination confession. Drugged defendants made many confession booth remarks throughout the test. The suspect named additional women and children he had slain during interrogation. Supreme Court upholds death penalty for Nithari despite test results and other confirmations clearing him of wrongdoing.

According to *Rojo George v. Delegate Superintendent of Police*, the CBI may require a suspect to take a polygraph or a narco-analysis in order to get to the bottom of things. The suspect said that after managing sodium pentathol, his central nervous system's activity slowed down, his heart rate slowed, and his blood pressure dropped, making the suggested Narco-Analysis test more troublesome. It is also confirmed that determining the appropriate dosages of medicine to be managed on a subject is exceedingly difficult because of the

constant fluctuations in the subject's age, sex, physical constitution, mental state, and self-discipline. It is also confirmed that the improper dose might cause a patient to enter a trance-like condition or possibly death. The applicant is also said to understand that his physical and mental health would be severely compromised if he were to undergo Narco-Analysis at the tender age of 24. The CBI's stated goal is to identify and bring to justice those responsible for the aforementioned crimes. In addition, the accused individual named Krishna Pillai has allegedly come forward to accept his guilt for the crime. However, the cops aren't equipped to verify the veracity of that admission. During mind mapping and polygraph testing, the applicant participated completely with the Investigating Agency, but the agency was not prepared to gain any information. According to the application, the Investigating Agency will pursue laws regardless of the suspect. He cannot be forced to take the test unless the Investigative Agency guarantees no negative repercussions. Narco-analysis also breaches the solicitor's basic right under Articles 20(3) and 21 of the Indian Constitution. The court ruled that narcoanalysis in this case is a scientific examination directed by experts in the field after all precautions have been taken. Certainly, it also elicits hostile reactions. Such an unfavorable reaction, nevertheless, is possible with the administration of any prescription recommended by experts polishing cutting-edge drug. Thus, the use of such tactics in guiding examination cannot be avoided only on the basis that there is a minimal risk of unfavorable reaction. Article 20(3) of the Constitution is allegedly breached if a tape is made of an announcement of an individual undergoing Narco-Analysis. Only those who are being accused of an infraction are eligible for the protection against the temptation to become a witness. No one save the accused has any kind of guarantee. Article 20(3) resistance does not include compelled body presentation or blood donation. The court believes that Narco-Analysis should be held to the same standard since it is also an exploratory test guided by researchers and not a police cross questioning. Modern lawbreakers use sophisticated systems to commit crimes. Addressing may not work. Thus, polygraph, mind mapping, Narco-Analysis, and other experimental tests are being used in case investigations. When conducted under the master's tight supervision, such tests do not violate a topic of India's core rights.

4.11 Sacred Validity and Evidentiary Value of Narco-Analysis Test

The rule of law serves the public interest. The spirit of society is changing, and the law must adapt to reflect this. Since the duty of interpreting the law for the public's good falls squarely on the shoulders of the judiciary, it stands to reason that legal personhood should

evolve in tandem with social progress. Synchronizing the use of detection, investigation, and prevention is essential for combating organized misconduct based on nuanced clues.

“Confirmation and admission are necessary proof in common and criminal cases. so proves the actuality's reality. Verification is key.It demands proof.Valid affirmation is conclusive.” “Legal counsel and judges controlling reality in debates using cutting-edge innovation processes face new obstacles as science and innovation grow. Beyond courtroom evidence, common and criminal law innovates.Truth serum—NarcoAnalysis—replaces lie indicators as technology develops.

The aphorism *Nemo Tenetur Seipsum Accusare*, which translates to "no man will undoubtedly blame himself," is a cornerstone of criminal justice system structure. The right Article 14(3)(g) of the International Covenant on Common and Political Rights protects against self-incrimination and confession. Britain's common law shields criminal suspects from having to show proof. Protecting individuals from needles and harm encourages judicial cases.The Fifth Amendment of the U.S. Constitution specifies that "no person may be constrained in any criminal argument to be an observer against himself."

There is now enough protection against the temptation to testify against oneself thanks to the Constitution's careful planning.Only the person who is being held responsible for a crime has the protection against the temptation to testify.Witnesses, or anybody other than the accused, are not protected by the Constitution in any way.However, under Sections 132 and 148 of the Indian Evidence Act, 1872, witnesses in common and criminal courts are granted limited protection from self-implication.

In *Selvi v. State of Karnataka* , The SC requires the accused's consent before mandating a narco-analysis test. Article 20(3) of the Indian Constitution prohibits such tests on the accused. The Court also ruled that the master should oversee this exam.

The right against self-implication prevents the accused from being forced to provide evidence to convict him. Although the scope of the privilege has been defined at length, legal consensus has restricted it to testimonial evidence. The assurance will only cover testimonial or instructive evidence that needs a voluntary follow-up from the accused, not blood tests, fingerprints, etc. Only those accused with a crime may obtain security. A proper reading of Article 20(3) excludes pre-allegation and examination. A guy cannot refuse an obligatory procedure or notification requiring him to turn over an archive that may indict him for a

crime. Article 20(3) of the Indian Constitution is revered as the embodiment of the Constitution empowering the ban on self-implication. However, the issue today is if law authorization authorities can collect truth from all sides to find coercion and complete the equity framework's final trust with the public. The aphorism on which Article 20(3) of the Indian Constitution is based asserts that no one, not even the denounced, may be forced to answer any inquiry that may prove him responsible of a breach for which he has been condemned. This gain came from objecting to the accused's improper interrogation. Self-incrimination is illegal. Article 20(3)'s core human right is inalienable. In emergencies, this authority cannot be revoked. Article 20(3) highlights self-incrimination insurance. The Federal Constitution adopts British criminal law. No one may be forced to watch himself under the Fifth Amendment of the US Constitution. It has also been widely recognized in the criminal organization of equity in this country by the fuse into several statutory procurements.”

In its most basic form, the certification guaranteed by our Constitution can be broken down into the following three parts: (1) protection for the accused person, (2) protection from the temptation to testify, and (3) protection from the temptation to testify against oneself. A person's signature, thumbprint, palm print, finger print, or other similar identifying evidence cannot be used to establish his or her identity under Article 20(3). This doesn't add up to him "proof-reading" his own equipment.

The self-implication necessitates include or excluding information depending on the knowledge and experience of the person providing the information.

The only thing that happens in court is the mechanical process of establishing record, which may shed light on any topic of debate, but does not include any statement of the blamed man based on his own knowledge. Expert forensic personnel usually supervise the most crucial tests, including the NarcoAnalysis, P300 or Brain Mapping, and lie indicator tests. During a Narco-Analysis test, the patient is given an infusion of medicine under the supervision of an anesthesiologist; v supplied without danger did not violate Article 20(3) of the Indian Constitution since it was not issued impulsively. The court also said that the fact that the accused was a police officer was insufficient evidence to infer that the sample handwriting was obtained under duress. There may be urge, but it doesn't add up to testicular impulse.

The Supreme Court's Constitutional Bench, consisting of 11 justices, made the decision in *M.P. Sharma v. Satish Chandra*. The court ruled that a guy against whom formal charges of a crime are pending is entitled to assurance under Article 20(3) of the Indian Constitution. Males with closed FIRs are eligible for the guarantee. The Supreme Court has concluded that testifying as a witness does not undermine an accused person's right to be assumed innocent unless proved guilty. Article 20(3) of the Constitution underpins this finding. There is "no motivation to restrict the substance of the sacred certification to its scarcely strict import and along these lines," as stated by the Supreme Court. To sever it would be to steal the security of its substantial reason and to sacrifice substance for form in the form of a particular American preference. The physical impression of a person who has been accused of a crime is always necessary for the investigation. As crucial as arming law experts and courts with real power to bring guilty parties to justice is protecting a blamed person from being forced to incriminate himself. The founding fathers also knew about contemporary legislation like Sec 73 of the Indian Evidence Act 1872 or Sec 5 and 6 of the Identification of Pensioners Act (XXXIII of 1929). Next, the decision declared P300 and polygraph testing Constitutionally substantial and rational, requiring no notice from the accused. Additionally, it empowers law enforcement and judges to be guilty of equity."

4.12 Narco-Analysis test and its application in Criminal Justice System

Clinical, experimental, moral, and legal implications of deceptive recognition tests (DDT, for example, Narco-Analysis test) are substantial. For the purpose of diagnosis in instances involving mental health, narcoanalysis has been used. It plays a role that is both supportive and intervening. Understanding the patient's psychodynamics and behavior concludes the narco-analysis. It aids in comprehending the patient's mental substances as well. For example, Narco-Analysis is used in medicine to "articulate smothered or subdued thought or strife"; "restore discourse to quiet individual"; "resuscitate memory"; and "in cases of amnesia."

A therapist must be able to distinguish between forgetfulness and malingering. If malingering is suspected, a narcoanalysis is not likely to be very helpful. There are a few more names for amnesia that might be used in a medical setting. It is not uncommon for the accused person's own accidental remark or written confession to reveal a previously acknowledged forgetfulness. Malingering is associated with a kind of forgetfulness known as

"inconsistent amnesia," in which forgotten and remembered events follow one another in a chaotic sequence. True amnesia should not be sullied by being ignored or by statements that imply knowledge. Mental trauma follows episodes of psychotic amnesia.

Everyone has daily need for both the medical and legal professions, which are different yet related. The intersection between medicine and law is known as medicolegal. While lawyers and judges are aware of it, the average man knows very little about these fields. In fact, even legal counselors whose primary focus is not on restorative problems have a deep understanding of drugs. Nonetheless, they should give it some serious thought. For this reason, it is crucial that experts who know little about the law get to know their legal counterparts well. They are blind to the value of the alternative vocation. Specialists at the intersection of medicine and law help bridge the gap between the two fields of employment. If experts don't consider the nuances of the law before testifying, they'll be unprepared to address the questions of the judge and the lawyer who hired them. Similarly, legal advisors who lack a working knowledge of medical jargon will be unable to adequately represent their clients in court. Legal parties advise each other. These two professions clash when a man is wounded, an addict is taken to court, or evidence is offered for investigation. We discover several law-science answers here.

Sodium pentothal is used in the Narco-Analysis test, as an inducing agent for general anesthesia, in a significant percentage of surgical procedures, and by psychiatrists to conclude and evaluate psychoactive substances.

4.13 Importance of Narco-Analysis test in legitimate science

The value of narco-analysis tests has grown in recent years. At this time of year, when crimes are being investigated, it is of paramount importance. In fact, it's become an integral aspect of any investigation into misconduct. Most people believe that if the Narco-Analysis test were administered properly, the truth might be uncovered. The onus therefore falls on the investigating agencies to conduct the necessary testing to pry the truth from the accused. The investigating agencies have conducted Narco-Analysis tests in a wide range of situations. By separating the planned wrongdoing and blowing up the conspiracies, this preventative scientific instrument may become a crucial process for keeping the written wrongdoing in the hands of a competent group of masters.

"A narcoanalysis test is administered to the individual who has been denounced in order to determine the answers to the three questions that follow." "

- (a) What is uncovered in Narco-Analysis test?
- (b) What is removed in Narco-Analysis test?
- (c) What is the result of Narco examination?

"In the first, the accused is found guilty due to copious amounts of physical evidence, with just a few pieces of the puzzle lacking that together make up the denunciation. The second group labels him as a scapegoat due to external factors. In the third category, he plays a supporting role due to the absence of hard evidence to back up the complainant's and witnesses' statements. The professional uses the narco-analysis test to diagnose and treat patients with mental illnesses, and to learn the unspoken truth about the patient's mental state. However, it is now used by law enforcement as a method of investigation. In the belief that instant procedure creates rapid result, physical coercion has replaced painstaking and repetitive requests in police examination. The use of physical force and intimidation during a police investigation is typified by the actions of Sir James Stephen. He lamented the need to chase after confirmation in the heat when he explained it in 1883, saying that it was more pleasant to sit in the shade and rub red pepper into the eyes of a miserable fallen angel. Currently, police dominating voices are establishing a third-degree method on suspects in order to conduct narco-analysis tests; this seems like a lot more sympathetic approach. Examining police are more concerned in obtaining observable certainties or the truth as opposed to a mental one in order to use it as evidence against the defendant.

According to J.M. Donald, Psychiatrist, The Denver District Court has ruled that drug questioning is ineffective at eliciting guilty pleas. Barbiturate-affected criminal suspects may knowingly provide misleading information, persist in providing incorrect answers, or falsely confess. Drug-resistant psychopaths. "Drugs are better at releasing subconscious emotions than disclosing dishonesty. Material than invoking intentionally repressed knowledge," and "a person who offers incorrect information before getting drugs is likely to give erroneous informations under the impact of Narco-Analysis."

India, like in other countries, police often order narcoanalysis tests as a means of distinguishing the innocent from the guilty. However, in countries like India, where medicines have gained relatively little attention in the police sector, their use has prompted

accusations of mental third degree and became an experimental tactic for cross examination. However, it has been in the news for some years as a new persuasive examining strategy employed by different investigation offices in high-profile cases. The 2002 Godhra Carnage test, 2003 Abdul Karim Telgi incident, Arushi murder case, Nithari case, and others employed it. This affects reputable science greatly. Its credibility and admissibility in court are questioned. Narco-Analysis includes legal and human rights problems. However, this analytical method raises valid considerations about rights, freedoms, and opportunities. The investigating agency may employ Narco-Analysis to find leads in tech-enabled crimes and highly competent offenders because although the aware personality does not match reality, the oblivious may expose the facts. Dream, distorted, and dishonest language may damage these assessments even in the best state.”

An Evaluation of the Role of the Narco-Analysis Test in the Criminal Justice System
With a focus on real science and State of the thing and innovation, the Criminal Justice System has to improve its dismally low conviction rate. The federal authorities must rationalize narco-analysis. Science and innovation should be part of the legal system if they don't violate legal principles or harm the public. Narco-analysis in criminal cross-examinations has a strong influence on both the innocent and the guilty, speeding up justice. To assist police, prosecutors, and courts cope with contemporary offenders' use of science and technology to avoid punishment, criminal equity underpinnings have been reevaluated.

No of its form, every government is responsible for upholding the rule of law and serving the interests of the people it claims to serve. The Criminal Justice System (CJS) is responsible for primarily carrying out these core functions. According to Oxford's definition, a framework is "a group of interconnected elements or a system of interconnected organs" (or similar). The Criminal Justice System (CJS) is a federation of government agencies charged with providing citizens with fair treatment. The entire foundation of every society rests on the strength and viability of this framework. No of its form, an administration's primary responsibility is to the people it serves and to uphold the law. The Criminal Justice System (CJS) is responsible for primarily carrying out these core functions. According to Oxford's definition, a framework is "a group of interconnected elements or a system of interconnected organs" (or similar). The Criminal Justice System (CJS) is a collection of government agencies charged with ensuring that all members of the public are treated fairly. This structure, if functional and sustainable, forms the backbone of any social order.

With the rapid development in cutting-edge state, individualisation, and financial and political alterations, new violations like custodial wrongdoings, rebellion, terrorism, and sorted infractions are emerging, political and digital misconduct increased traditional crimes including murder, assault, conning, dacoity, domestic violence against women and children, and so on. The Criminal Justice System has failed to provide fairness to the free. The various sub-arrangement.

We have good legal custom and a rational and careful legal practice," Equity Gajendragadkar said in the 58th report of the Law Commission of India, both of which are quite important. These features have undoubtedly brought great attention to the country. We have always cherished the pre-liberation era's traditions of a self-governing and productive legal system, a cohesive legal framework, and an updated approach to doing things. Respect for the judicial system has been well-deserved.

The wheels of advancement keep rolling unceasingly thanks to the persistent efforts of scientists and engineers. The impact of modernization on every facet of human existence has been nothing short of phenomenal. Accelerating technological advances, in tandem with legislation designed to regulate it, will make previously unimaginable infractions possible. The age-old struggle between wrongdoing and fairness will continue into the future, and it will be a race between mechanically complicated guilty persons and law the necessary powers to determine who can wield the most advanced ability on either side.

Criminal justice uses narco-analysis extensively. It's a simple way to find the problem. Criminal justice screening uses narco-analysis. Dr. S. L. Vaya, Deputy Director of DFS in Gandhinagar, Gujarat, feels that properly used narcoanalysis is a beneficial and non-intrusive instrument for detecting and avoiding misconduct. It's great for cross-examining the culprit. Cross-examination approaches include the third-degree strategy, Polygraph, mental profile, electrical initiation, and others and entrapping. However, NarcoAnalysis has been successful in testing everyone. Innovation and science drive development gradually. Every transformation in human existence has been emotional. Innovation and laws to govern it will create new crimes. In the future, mechanically contemporary offenses and law enforcement forces will compete to wield the most propel skills on either side of the age-old conflict between wrongdoing and equality.

As part of the criminal justice system, it is used for auditing purposes. As part of the legal process, the accused may be asked to submit to a narcoanalysis. This evaluation method

shouldn't be used routinely. It should be used in those contexts when the enthusiasm of people everywhere is at stake. In the event of a terrorist attack, it may also be used to scan the suspect's brain for evidence and prevent additional attacks.

A successful narcoanalysis test has been conducted on the person who is being blamed in each of the several criminal charges.

The Gujarat H.C. has held in *Santosh Sharmanbhai Ladeja v. State of Gujarat*⁵, that professionals oversee the Narco-Analysis test and take proper precautions and are aware of the risks blamed situation and hence, the component of risk is minimal danger is truly a part of life and overruns in most human acts and on this premise alone, the reviled test can't be denounced.”

In *Abhay Singh v. State of U.P*⁶, Even if the accused doesn't give permission, Justice Barkat Ali Zaidi has ruled that their hairs and nails may be seized for use in the investigation. If such If narco-analysis and brain mapping tests violate the accused's privacy, then they should too. Thus, the accused may have undergone unannounced logical exams. One responsible person who leaves loses the confidence of one million. Examination promotion seeks truth. Thus, the court should welcome the defendant's disclosures. The accused should take the Narco-Analysis and Brain-Mapping exam if it can disclose criminal details.

In *Selvi Murugesan v. State of Maharashtra*⁷, Kavita Murugesan, a Tamil Nadu Legislative Assembly (MLA) member, filed a First Information Report (FIR) alleging that her parents and their friend Govindraj, After marrying her opposite-rank boyfriend against her parents' wishes, she accused them of murder and filed murder charges. The victim was abducted while walking with his wife (the complainant), and his corpse was located the following day in a field within the jurisdiction of the If narco-analysis and brain mapping tests are appropriate, then they should apply to the accused. Thus, the accused may have undergone unannounced logical exams. One responsible person who leaves loses the confidence of one million. Examination promotion seeks truth. Thus, the court should welcome the defendant's disclosures. The accused should take the Narco-Analysis and Brain-Mapping exam if it can disclose criminal details Attebele Police Station in Bangalore's provincial area. His identification was smashed into his skull along with the stones.

⁵ 2007 criLJ4566.

⁶ 2009 Cri.L.J2189 (All) LK Bench.

⁷ 2004(7) KarLJ501.

The court showed interest in the investigating group's ability to conduct a leading narco-analysis in this exciting case. Under the watchful eye of the court, the question in this case was whether or not ordering a narco-analysis test on the accused person would violate Article 20(3) of the Indian Constitution. The Court said that the outcome would depend on the questions that are asked of the accused. Any statement or information provided by the accused might be exculpatory or inculpatory, however Article 20(3) of the Constitution only applies to inculpatory statements. When the test is administered, it will be clear if the accused made inculpatory or exculpatory statements. Therefore, it would be premature to comment on the method of the announcement or the information provided by the accused during the Narco-Analysis test. Police may legally collect evidence. The accused's NarcoAnalysis test is also evidence. The court also ordered a master group of professionals to observe this examination. Court granted NarcoAnalysis test direction in this case. The Narco-Analysis test included Selvi Murugesan and her partner, however they were acquitted due to a lack of evidence.

In *Ranjit Singh Brahamjeet Singh Sharma v. State of Maharashtra and Another*⁸, The Abdul Karim Telgi phony stamp paper case included the accused. The accused was polygraphed. He was approached and questioned, and he hid vital facts. He also lied to a politician and a police officer about funding a fraudulent stamp paper operation. He was made for a brain scan the next day. The court ruled that no evidence was presented to cast doubt on the reliability of the cerebrum mapping test result of tolerance. Its reliability will determine whether or not exploratory testing can be conducted. It's unclear whether the mind mapping test has progressed far enough for a court to rely on the results of the report. In this case, the court did not rule on whether or not the mind mapping test was valid.

In *Ramachandran Reddy v. State of Maharashtra*⁹, Bombay H.C. maintained the P300 or Brain Mapping and Narco-Analysis test legality. The court accepted Narco-Analysis evidence. As tech advances, criminals become specialists and conceive of new ways to commit crimes. Narco-Analysis has helped identify misbehavior. The court added that this threshold includes minor serious damage.”

⁸ AIR 2005 SC 2277.

⁹ 2004 All MR (Cri) 1704.

In the case of *State of A.P. v. Inapuri Padma*¹⁰, Andhra Pradesh's highest court ruled that applicants don't need the court's permission to undergo a narcoanalysis if they don't object to the procedure and they weren't the ones who committed the crime. In cases where witnesses refuse to take part in a polygraph examination, law enforcement must obtain a court order specifying the specific facts and circumstances that led them to conclude that the person they plan on testing "probably knows something about the commission of the offense."

In the famous case of *Santokhben Sharmanbhai Ladeja v. State of Gujarat*¹¹, the Hon'ble Gujarat High Court has held that the All things considered, Since the blamed risk's conditional component is, in fact, present forever and infests in the great majority of the blamed test, the test itself cannot be held responsible. The court is interrogating a witness to ascertain whether or not the administration of the Narco-Analysis test and Brain Mapping test breaches Article 20(3) and Article 21 of the Indian Constitution. The court has ruled that there is insufficient evidence to warrant obtaining its approval before subjecting the defendant to a Narco-Analysis or Brain Mapping test. Under the Criminal Procedure Code, a judge's approval is not required to conduct an examination. The Indian Constitution's Articles 20(3) and 21 cannot be interpreted as having been violated "simply by ordering the accused to undergo a Narco-Analysis test and a brain mapping test."

Likewise in *Abhay Singh v. State of U.P.*¹², it was held by Justice Barkat Ali Zaidi that it is now generally accepted that a suspect's hairs and nails may be used in forensic analysis even if the suspect does not provide consent. If this defense of the accused holds water, then the same standard should apply to narcoanalysis and brain mapping. Since the confidence of a million people rests on the honesty of just one person, exposing the real perpetrator is an important aim. Therefore, the courts must have a flexible attitude toward the arraignment's efforts to uncover the truth. If the Narco-Analysis and Brain Mapping test can help determine facts related to the crime, it should be employed. The judicial system should not stand in the way.

In the Nithari case, Surender Koli was denounced. In January 2007, the Gandhinagar Forensic Science Laboratory conducted a narcoanalysis test on the accused to verify their confession during detention cross-interrogation. Drugged defendants made many confession

¹⁰ 2008 CriLJ 68.

¹¹ 2008Cri.L.J.68.

¹² 2009CriLJ2189(All)LKO Bench.

booth remarks throughout the test. The accused cited additional women and children killed by the suspect during interrogation. Supreme Court upholds death penalty for Nithari despite test results and other confirmations clearing him of wrongdoing.

In *Rojo George v. Deputy Superintendent of Police*¹³, The CBI might encourage the suspect to take a polygraph or a narco-analysis to get to the bottom of things. The suspect said that after administering sodium pentathol, his central nervous system became dulled, his heart rate slowed, and his pulse slowed, making the suggested Narco-Analysis test more challenging. It is also said that, because of individual differences in age, sex, physical constitution, mental state of mind, and resolve, it is very difficult to determine the appropriate amount of medicine to be aimed to a patient. It is also said that an incorrect dose might produce a trancelike condition or even death. The attorney also confirms that he is aware of the far-reaching effects that undergoing a Narco-Analysis at the tender age of 24 would have on his body and mind. The CBI aims to assign criminal responsibility for the aforesaid conduct. Krishna Pillai also acknowledged to the crime. Officers are not equipped to verify such admission. The applicant cooperated with the Investigating Agency throughout brain mapping and polygraph testing, but the agency was unable to collect any evidence. The candidate claims the Investigating Agency would follow legislation even for suspects. He cannot be forced to take the test unless the Investigating Agency guarantees no negative results. Narco-Analysis is also said to violate the candidate's key right under Articles 20(3) and 21 of the Indian Constitution.

In this case, the court determined that a narcoanalysis is a reasonable test when conducted under the supervision of experts in the field who have taken all reasonable precautions. The truth is that it also elicits unpleasant reactions. However, such a negative reaction is possible during the monitoring of any drug prescribed by experts in the field of modern medicine. The use of such techniques in guiding examination cannot be avoided only on the basis of the little probability of undesirable reaction. Article 20(3) of the Constitution is allegedly breached if a tape is made of an announcement of an individual undergoing Narco-Analysis. Only those who are being accused of a crime are eligible for protection from the temptation to testify. Non-accused people have no security. Article 20(3) invulnerability does not include bodily display or blood donation. The court believes that Narco-Analysis should be held to the same standard since it is also a logical test conducted by researchers and

¹³ 2006 (2)KLT 197.

not police cross interrogation. Today's criminals use sophisticated methods. Addressing may not work at all. Thus, logical tests like polygraph, mind mapping, Narco-Analysis, and others are being used to investigate cases. When conducted under the master's tight supervision, such tests do not violate a resident of India's essential rights.

4.14 Constitutional Validity and Evidentiary Value of Narco-Analysis Test

The rule of law serves the public interest. The ethos of society is undergoing radical change, and the law must adapt to reflect this. Since the duty of interpreting the law for the public's good is vested in the judiciary, it stands to reason that the concept of legal personality should evolve in tandem with human society. Synchronous use of its detection, inspection, and preventative strategy is necessary for combating evolving composed infractions with nuanced clues.

In both civil and criminal proceedings, an affirmation or admission is an essential piece of evidence that may be relied on to establish the truth. It is crucial to get confirmation. It wants the admitter to prove their claims. Even if correct, confirmation is not compelling but definitive.”

In cases where cutting-edge technological systems are at issue, the expanding horizons of science and innovation have presented new challenges for legal counsel and judges controlling the confirmation of reality in dispute. In both common and criminal law, the use of innovation is not limited to the production of confirmation for affirmation in the courts. The approach for gaining such admission has evolved along with advances in technology, and now includes the use of truth serum, sometimes known as NarcoAnalysis.

The phrase *Nemo Tenetur Seipsum Accusare*—no man will surely charge himself—is one of the main criteria of criminal fairness. Article 14(3)(g) of the International Covenant on Civil and Political Rights guarantees the right not to be forced to test against oneself or take responsibility. British criminals cannot be compelled to discover evidence or protest. Protecting witnesses from injury encourages them to testify.

Because of "this procurement of the Constitution," a person is protected against the risk of being compelled to testify against him or herself. Protection against the temptation to testify is tied to the person who is the subject of the accusation. Witnesses, defined as anybody other than the accused, have no protection under the Constitution. However, under

Sections 132 and 148 of the Indian Evidence Act of 1872, witnesses in common and criminal courts are provided with limited protection against self-implication.

According to the Supreme Court's decision in *Selvi v. State of Karnataka*, narcoanalysis cannot be performed without the accused person's permission. An incriminating test like this would be in violation of Article 20(3) of the Indian Constitution. The judge further decided that the exam had to be done in full view of the instructor.

The purpose of the privilege against self-implication is to prevent the prosecution from forcing the accused to provide the necessary evidence for a conviction by the use of law or legal process. Despite a thorough characterization, legal clarification has restricted the scope of the privilege to testimonial evidence. As things stand, it has been decided that the safety only applies to testimonial or open forms of proof like witness statements and won't guarantee things like taking a blood sample or fingerprints from the accused. This guarantee would become active whenever a person is formally accused of a crime. If a rigorous explanation of Once the process described in Article 20(3) is finished, it no longer includes the pre-allocation or inspection phases. A guy who has not yet been accused of a crime will not have access to the safe when a mandatory process or notice is issued ordering him to compile an archive that may later incriminate him for the conduct of a crime. The Indian Constitution guarantees self-implication prohibitions under Article 20(3). The challenge now is whether or not law enforcement agencies can collect truth from all sides to reveal coercion and satisfy the ultimate equitable framework with the public. According to Article 20(3) of India's constitution, no one, not even the accused, may be compelled to answer any question that may find him guilty of a violation. This privilege protested inappropriate accused interrogation. Self-implication shield is vital. States cannot revoke Article 20(3)'s essential human right. In emergencies, this permission cannot be suspended. Article 20(3) illustrates the British criminal law canon of insurance against self-incrimination, which the US government embraced and put in the Federal Constitution. No one may be forced to watch himself, according to the Fifth Amendment. It has also been recognized in the criminal organization of equity in this country by engaging into many statutory procurements.”

"Analyzing the terms, in which the guarantee is contained in our Constitution, it is possible to state that the guarantee consists of the following three components: "

- This is a privilege that pertains to the individual who was held responsible for the crime.

• It is an insurance policy against the need to testify, and • It is an insurance policy against the same urge leading to him testifying against himself.

Article 20(3) would exclude out differentiating evidence based on a person's signature, thumbprint, palm print, foot print, finger print, or an example of hand composition. This doesn't add up to him "proof-reading" his own equipment.

"The self-implication must imply covering data based on the individual learning of the person delivering the data and may preclude only the mechanical technique of establishing archive in court which may shed light on any point of contention," but which doesn't have any declaration made by the accused based on his own reasoning. Forensic experts monitor even the most fundamental tests, such as NarcoAnalysis, P300 (Brain Mapping), and Lie Indicator. During a Narco-Analysis test, medicine is infused into the individual under the watchful eye of an anesthesiologist; this procedure requires judicial approval in advance. However, in the case of a falsehood indicator or Brain Mapping test, no such authorization is necessary. Resistance legal advisors gave the Narco-Analysis was criticized for violating Article 20(3) of the Indian Constitution. However, numerous Indian High Courts have permitted the accused to take the exam, which was found to be extremely severe. The Constitutional infringement argument is refuted by denying Article 20(3) rights. This test documents blamed person's statements on sound and video cassettes, and the master's reports help collect evidence."

In case of *State of Bombay v. Kali Kathu Oghad*¹⁴, The Supreme Court ruled that taking a bang imprint or palm or foot impression or example composition or exposing a portion of a The accused's body is always legal evidence. The Supreme Court further decided that the self-implicating answer supplied without risk did not violate Article 20(3) of the Indian Constitution since it was not impulsive. The court said that the sample handwriting was not collected on impulse since the accused was in police custody. Impulse isn't testimony impulse."

In case of *M.P. Sharma v. Satish Chandra*¹⁵, The decision was made by 11 Supreme Court justices sitting on the Constitutional Bench. The court ruled that a guy against whom formal charges of a crime are pending is entitled to security under Article 20(3) of the Indian Constitution. If a FIR is sustained against a person, the assurance applies. The

¹⁴ AIR 1951 SCI 808.

¹⁵ AIR 1954 SC 300.

Supreme Court ruled that Article 20(3)'s certification against testimonial impulse applies only to an accused person's courtroom testimony.

An accused person's physical image is frequently needed during a criminal investigation. Protecting an accused from self-incrimination is as important as empowering law enforcement and the courts to bring offenders to justice. The founding authors of Constitution were likely aware of existing legislation like Sec 73 of the Indian Evidence Act 1872 and Sec 5 and 6 of Identification of Pensioners Act (XXXIII of 1929). Thus, P300 and polygraph testing are Constitutionally legal since they are reasonable and do not compel the accused to make a statement. It also empowers law enforcement and courts to bring offenders to justice.

In *Nandini Sathpathi v. P.L.Dani*¹⁶, According to the Supreme Court, in order for clause (3) of Article 20's unwillingness to apply to a confirmation, it must be demonstrated not just that the person making the remark was condemned. At the time he made it and that this fact had a meaningful influence on the announcement producer's responsibility, but also that he was obliged to make that statement under impulse in the connection. that must mean what in law is causation. Coercion is Eart Jawitt's English legal dictionary defines coercion as "where a man is forced to do a thing." protest by destruction, assault, or illegal detainment (also termed pressure) or by the risk of death, suffering some unfortunate real mischief, or unlawful detention (at times called hazard or pressure per minas). Coercion includes threatening a man's family with violence.

Similarly in *State of A.P. v. Inapuri Padma*¹⁷, The Andhra Pradesh High Court ruled that if solicitors are not charged but captured by the court, there is no reason to obtain court consent for a NarcoAnalysis test if they do not object. When witnesses refuse to take the test, the police must convince the court of the circumstances that led them to believe the proposed test subject knew something about the crime.

In the famous Mohinder Singh Pandher and Surender Singh Koli v. State of U.P., Nithari Murder Case, Surender Koli and Mohinder Singh Pandher, the Nithari Murder suspects, were narco-analyzed in January 2007. The Gandhinagar Forensic Science Laboratory conducted this test. This test was used to verify their statement during prison cross interrogation. The accused named other women and children who had been slain by

¹⁶ AIR 1978 SC1025 at 1032.

¹⁷ 2008 CriLJ. 3992 (AP).

them and confessed to assaulting them thereafter. The exploring powers learned a lot from this test."

In *Dr. Rajesh Talwar and Another v. Central Bureau Investigation through its Director and Others, the Arushi Massacre*," 14-year-old Arushi died at her home on May 16, 2008. The Arushi family complained at the police station. Hemraj, Arushi's substitute domestic staff, was wrongfully accused of murder. Two days later, another corpse was found on the Arushi doorway. Arushi's bodyguards were arrested. This defendant was tested, including a narcoanalysis, polygraph, and brain mapping. In the presence of the judge, it was claimed that the results of these tests cannot be used as proof. *Selvi v. State of Karnataka* held that the government cannot undertake such a test without the accused's consent. The trial court concluded that test findings cannot be used as evidence since the subject did not deliberately manage their emotions throughout the exam. The Gujarat High Court ruled that the Narco-Analysis test is guided by professionals, given adequate attention, agreed to, deemed expensive, and low risk in *Sasntokhben Sharmanbhai Ladeja v. State of Gujarat*. The despised test can't be criticized since risk is part of life and most human activities."

In *Abhay Singh v. State of U.P.*¹⁸, Justice Barkat Ali Zaidi ruled that it is now generally accepted that the accused's hairs and nails cannot be seized for use during the investigation, even if the accused gives consent. The investigating authority in this case submitted an application to coordinate a narcoanalysis and brain mapping of the suspect. The reprimanded person asked the court to rule on whether or not they are required to submit to a narcoanalysis and brain mapping test. The court ruled that investigation and all other efforts must be done to identify the real perpetrator since "one responsible person who flies is the trust of one million." The court shouldn't stand in the way of using a narco-analysis or brain-mapping test if doing so is likely to provide indisputable evidence of the commission of the crime.

Legal science is essential to criminal justice and admissible in court. At the police officer's request, the compassionate master may treat the youngster. An enrolled remedial pro may sell a police officer above sub-assessor and above under Section 53(1) of the Criminal Procedure Code. any person acting in accordance with basic respectability may be legal in cases where a man is caught on a charge of committing an offense under circumstances that

¹⁸ 2009 CriLJ 2189(All)(LKO Bench).

support the assumption that an examination of the individual will reveal evidence of the offense.

This section provides a gateway for forensic science to be used in police work. Among other things, the 2005 amendment to Section 53 of the Criminal Procedure Court was helpful and protective in that it acknowledged the significance of scientific tests like narcoanalysis and brain mapping.

For example, the explanation states, "The word 'examination' used as part of the explanation is wide to encompass state-of-the-art exploratory techniques of examination, such as DNA Profiling and the Narco-Analysis test. In a case before Chief Justice K.G. Balakrishnan, Justice R.V. Ravindram, and Justice Panchat Vahanvati, Solicitor General Goolam E. Vahanvati argued as an amicus curiae for the use of these three tests, citing Section 53 of the Criminal Procedure Code, which lists a variety of different cutting-edge methods, including DNA testing. Fingerprinting and the Vahanvati argued that the phrase "such other test happening in the clarification note of the Section 53 incorporate" should be considered a venture in the guide of examination, not a constructional disease. These exams are rational. These experiments are regarded to be part of accumulating evidence. These exams may help the investigating organization obtain evidence, but the charged's statements during these tests don't help the law officer."

"Examination" includes cutting-edge exploratory tools like DNA profiling and narco-analysis. Solicitor General Goolam E. Vahanvati, appearing as amicus curiae in a case before Chief Justice K.G. Balakrishnan, Justice R.V. Ravindram, and Justice Panchat Vahanvati upheld the use of these three tests under Section 53 of the Criminal Procedure Code, which records a range of modern techniques including DNA. Fingerprinting and collecting He claims "such other test happening" in the Section 53 incorporate's explanatory note is properly interpreted as a venture in the guide of examination, and not for getting involved the announcements. These procedures are exploratory in nature and are used to supplement the main examination. These evaluations are considered to be a necessary step in the process of accumulating evidence. The results of these tests may help the investigating agency piece together more evidence, but any statements made by the accused during testing cannot be used to exonerate the police officer.

4.15 Narco-Analysis test and Indian Evidence Act

Leaning back is learned via thinking. The NarcoAnalysis test kills creativity and influences thinking by making the individual half-awake. He lies intuitively yet can answer simple questions. He can't lie in this state, therefore he'll stick to the facts. He responds spontaneously and accurately like a half-awake person.”

20% of those submitted to Narco-Analysis are innocent. Thus, these methods not only identify the guilty, but also the innocent within a short duration.

The definition of Evidence is found in Section 3 of the Indian Evidence Act of 1872. The question arises as to whether or not any result from a Narco-Analysis test would constitute evidence. It's possible that such a response or declaration wouldn't constitute any part of confirmation unless it met further criteria. Truthfully, we need to know whether this test has been authorized by the court or if it is mandated by the court. In the absence of judicial approval, the results cannot be used as evidence. As a result, the amount of constituents would determine the level of acceptability.

From Section 24 to 30 of the Indian Evidence Act of 1872, "the procurement relating with the acceptability of admission by the denounced individual in criminal cases has been given." That legislation does not define "admission". Mr. Equity Stephen's abbreviated law of evidence defines admission as "an affirmation set aside a few minutes by a man accused of a wrongdoing expressing or recommending the derivation that he carried out that wrongdoing." It implies that the accused is the one providing the verbal confession. An explanation might be a spoken or written statement. Therefore, both verbal and written announcements count as admission. No matter what the patient says or writes down, the NarcoAnalysis test will let it through. Anyhow, Section 27 since the Indian Evidence Act forbids the use of explanation in confirmation free or that just before such test, "if there is any doubt about pressure, intimidation, or trepidation that the announcement not be made," Section 24 of the Indian Evidence Act forbids such a statement on the grounds that it serves no use if the subject is irritated or coerced by law enforcement.

The accused person's statements to the police or under the authorization of the police cannot be used as evidence in court if the police conduct a joint inquiry under Sections 25 and 26 of the Indian Evidence Act. The question arises as to whether or not it would be satisfactory for the subject to make an admission of blame through this test if he or she had been subjected to a thorough and ruthless examination by the police and the element of apprehension pressure still existed in his psyche. Narco-Analysis introductions have helped

solve several significant cases. In most of these instances, the announcements have led to the revelation of vital information, prompting Section 27 of the Indian Evidence Act recoveries. Section 27 data is permissible since it constitutes purposeful witness.

Because flexibility is the hallmark of good legal judgment, rules shouldn't be rigid in the cases when they do apply. In addition, the law is not a fixed system but rather evolves with time. Therefore, it has to evolve in response to shifting conditions in society, as well as developments in science, technology, and morality. The legal system should absorb scientific and other technological innovations so long as such developments are for the public good and do not undermine fundamental legal norms. Therefore, more sophisticated and up-to-date methods must be used in place of time-consuming cross-examination procedures. A narco-analysis test offers a persuasive alternative to the crude methods of the third degree. The use of scientific technique does not contradict Article 20(3) of our Constitution if a non-incriminating query elicits an admission or explanation from the accused.

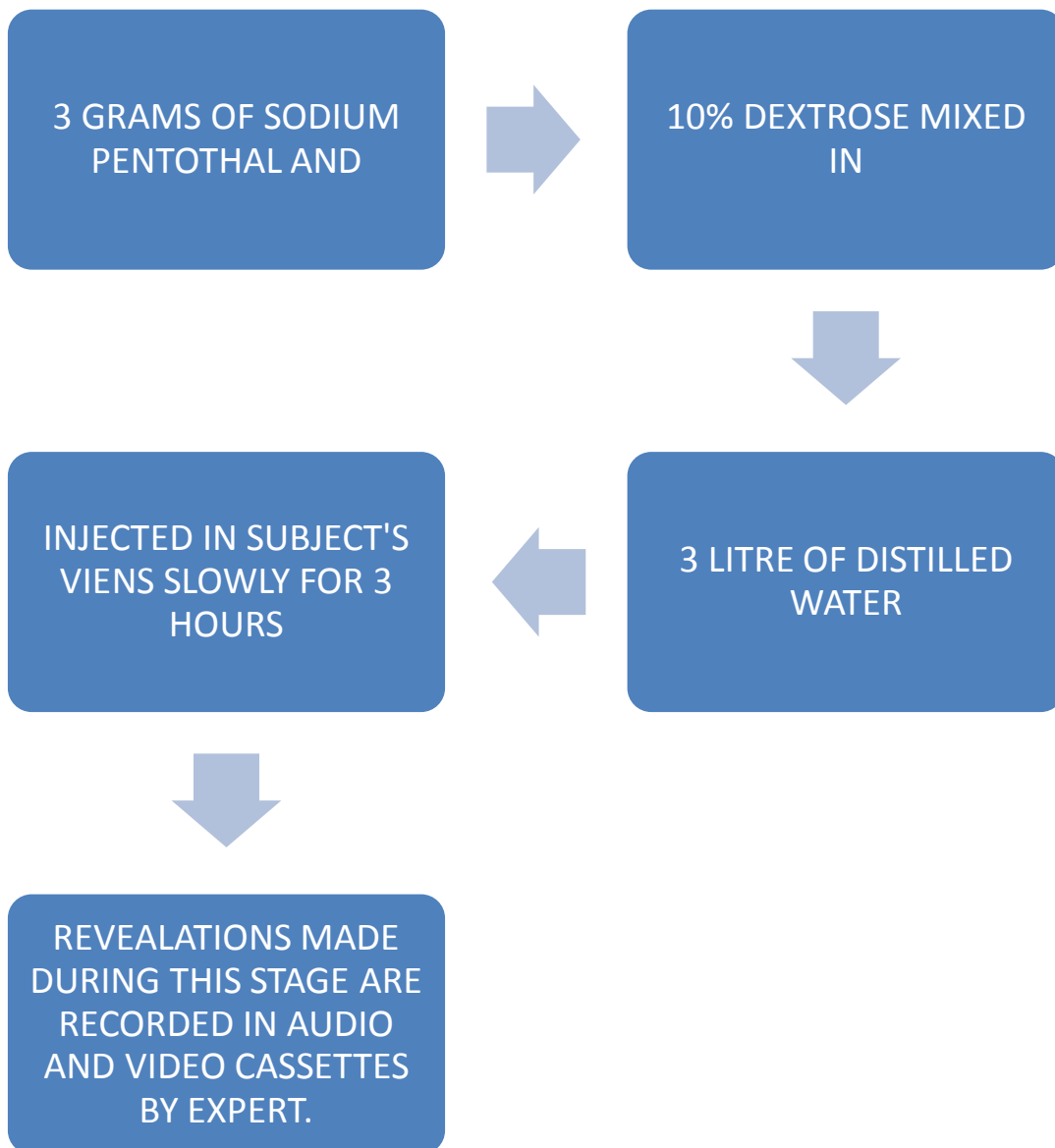
Good legal judgment requires a degree of flexibility, thus regulations shouldn't be inflexible even when they apply. The law also isn't static; it changes as society does. Consequently, it must grow in light of societal changes and advancements in science, technology, and morality. As long as scientific and other technology advances serve the public interest and do not threaten basic legal standards, the legal system should incorporate them. Therefore, traditional cross-examination techniques need to be replaced with more efficient and modern alternatives. A narco-analysis test is a convincing replacement for the third-degree procedures. Scientific technique does not contravene Article 20(3) of our Constitution if it elicits an admission or explanation from the accused.

The Article states, "his failure to give evidence shall not be made the subject of any comment by any of Neither he nor anybody else accused with him in the same trial has done anything to prejudice the Court or raise any presumption against them.

CHAPTER V:

PROCEDURE TO CONDUCT NARCO ANALYSIS TEST

FLOW CHART ON THE PROCEDURE OF NARCO-ANALYSIS TEST



5.1 Narco-analysis Test in India:

A small number of democracies, most notably India, are still using narco-analysis. More and more people and outlets in that nation are speaking out against this. In most industrialized and/or democratic nations, narcoanalysis is not publicly authorized for investigative reasons. The legalization of narco-analysis has made it a hotly contested issue in India in recent years. Prosecutors often use this method now because of how effective it is in extracting information from an unwilling witness's thoughts. However, the scientific extraction of information from the mind of another person is a violation of the Indian Constitution.

Since 1999, The Forensic Science Laboratory (FSL), Bangalore, India, has been conducting polygraph examinations to detect dishonesty. In 2001, a person linked to crimes perpetrated by Veerappan was subjected to the facility's first ever narco-analysis. Many human rights and medical ethics advocates say the police use narco-analysis instead of rigorous investigations of illicit behavior. They say the Fifth Amendment prohibits "compelled to be witness against himself" in a criminal prosecution. Some clinicians feel narco-analysis is unethical since patients are occasionally forced to take drugs, which may cause life-threatening respiratory or cardiovascular problems. Advocates say physicians hit detainees to wake them up. "This is nothing but torture," stated Forum for Medical Ethics Society co-founder Amar Jesani.

At the same time, there are arguments in favor of incorporating narco-analysis into law enforcement inquiries. Some people believe that the information revealed during a Narco-analysis may be quite helpful in solving high-profile crimes. The majority of these instances have resulted in recoveries because the disclosures led to the discovery of damning facts that favored probative truth.

Justice V. R. Krishna Iyer, a staunch advocate for the accused and those on trial, stated this about Nandini Sathpathy: "The accused's human dignity and society's human personality must be safeguarded. As a result, it's not only about the ideals that are expressed by the privilege; society's interest is just as important.

Since Narco-analysis is founded on well-established scientific concepts, does not contradict core legal principles, and is ultimately beneficial to society, its proponents say that the legal system should adopt it. Their legality is called into doubt, with some defending it on the basis of established legal concepts while others dismissing it as a flagrant infringement of constitutional safeguards. We also cannot turn a blind eye to the moral questions raised by the narco-analysis.

1.5. Procedure Conducted by the Order of the Court:

The following individuals do the narco-analysis test in India getting the order from the court¹⁹:-

- an anesthesiologist,
- a psychiatrist,
- a clinical/ forensic psychologist,
- an audio-videographer, and
- and supporting nursing staff.

The physician provides a fitness certification for the individual before to and during the narcoanalysis. The anesthetist is responsible for adjusting the level of anesthesia necessary based on the amount of information that has to be gathered and monitoring the progression through the different stages of anesthesia. On behalf of the team, only the clinical or forensic psychologist communicates with the person who is in a "trance," and they provide the courts with reports and videotapes of their interactions with the subject. The person being questioned is not being questioned by any member of the team who is trained in medicine. The clinical and forensic psychologist is the only professional qualified to perform this duty. When it comes to the process of gathering evidence, what matters most is the report that was made by the specialists. After a court order, attending doctors and hospital management perform this evaluation at public hospitals. The subject must also provide their consent. Inappropriate dosage may induce coma or death. To provide a pleasant hypnotic state, the administration rate is adjusted. The medicine depresses the central nervous system, reduces blood pressure, and slows the heart rate, causing a hypnotic trance and a lack of inhibition. This shows biomolecules affect bioactivity. Polygraph and brain mapping tests are used to verify disclosures when necessary. In India, law enforcement, courts, and labs are

¹⁹ Belenky, *Contemporary Studies in Combat Psychiatry*, 17.

using narcoanalysis increasingly. On the other hand, it does bring up some significant scientific, legal, and ethical problems. Suspects have been hauled away to have an interrogation while under the influence of the barbiturate sodium pentothal in a number of high-profile cases recently. These cases include those involving the murder of Nithari and the bombing of trains in Mumbai. In many instances, the court has rendered an opinion about the legality and admissibility of such a form of interrogative procedures, which will be taken into account in another chapter that is entirely distinct.

5.2 Issues in Conducting Narco-Analysis Test

Such examinations must follow legal guidelines. A person is presumed innocent until proven guilty, should not be tortured to obtain information, should be allowed to remain silent, and should not be forced to incriminate himself. However, in India, the use of torture is widespread and the method that is most often put into practice in order to extract information from a suspect, and narcoanalysis is a developed scientific method of such torture. This results in a number of significant problems, some of which are as follows:

5.3 Dangerous Side-Effects and Dubious Scientific Value

In a narco-analysis test, it is not always feasible to identify the proper dosage of the drug that must be administered to the subject. The dosage varies depending on the individual's physical make-up as well as his level of motivation and mental outlook. Given that the improper dosage might cause a person to slip into a coma or possibly die, the potential for legal issues is always there. Sodium pentothal may have dangerous effects on blood circulation, breathing, apnea, and anaphylaxis. Movement amnesia and emerging delirium are only a few of the possible neurological adverse effects. It may bring on a laryngeal spasm in which the airway closes down suddenly and for no apparent reason. Delirium, nausea, and headache are additional possible side effects of this medicine.

The iconic Pearl Harbour assault during World War II necessitated the use of the anesthetic sodium pentothal. In order to do surgery on the wounded people, sodium pentothal was administered as an anesthetic. Unfortunately, many of lives were cut short due to drug overdoses. This data was not released to the general public. However, freedom of information law was enacted in the 1990s, paving the way for previously unavailable material to be made public. Psychiatrists have shown that at least 5 percent of the population is suggestible even while they are fully aware, suggesting that these people may be led to believe in events that

never took place. This implies the person may say things that are not necessarily true but that he wishes were.

Narco-analysis may confuse the accused's ideas with the interrogator's. The accused may deny murder. However, after taking a medication like sodium pentothal, repeated suggestions that he got a knife, entered the hotel room, and killed a person may blur reality and fiction. and he may "confess" to the murder. Miscarriages of justice and the conviction of innocent people are possible due to the unreliability of the technique and the influence of the medications on the mind.

5.4 Violates the Constitutional Right Against Self-Incrimination

Article 20(3) states that a defendant cannot testify against himself. This provision of the Constitution codifies a British criminal law principle—the freedom not to incriminate oneself—that has been adopted into American law. A person must answer all case questions honestly, excluding those that might lead to criminal charges, fines, or forfeitures. These criminal law principles ensure an accused person's right to silence throughout an investigation. Narco-analysis eliminates the right, thus there is no safeguard. However, the immunity manifestly affects criminal investigations, therefore from its establishment, serious opponents have questioned whether the protection it provides to the person is more important than the societal interests it jeopardizes.

The case of *Nandini Sathpathy v. P.L. Dani* established that an individual's right to remain silent during an inquiry must be respected. An accused person cannot be coerced into making a statement. The right of an accused person to decline to answer questions that might potentially incriminate him has also been widely established. This exam violates a person's right to privacy by invading his thoughts without his consent. When questioned when sober, the individual may decide to withhold information.

Since the narco-analysis exam relies on administering drugs to inhibit thinking capacity without altering memory and speech, it is in violation of Article 20(3). Again, this is in violation of the principle that "*Nemo Tenetur se Ipsum Accusare*" states that no one, not even the accused, may be forced to answer any inquiry that would tend to show him guilty of a crime. The court should not accept the accused's testimony if it was obtained by coercion of any kind, including hypnosis or a trance state of mind.

The 1994 Criminal Justice Public Order Act has weakened England's right to keep quiet during an investigation. The Malimath Committee Report and the Madhava Menon Committee Report encourage the accused to actively investigate crimes, improving India's criminal justice system. The findings state that an accused person's refusal to answer questions during an interrogation should be used as evidence against them. Thankfully, the Indian government has rejected the Malimath report's suggestions. But who knows whether these suggestions will be adopted in the future, since the individual's right to remain silent has been stripped away.

However, in the case of *State of Bombay v. Kathi Kalu Oghad*, the Supreme Court ruled that information presented by an accused person that is not based on the accused person's personal knowledge cannot be considered to be self-incriminating. In a similar vein, the narcoanalysis test cannot be considered to be self-incriminating in any way. How is it even remotely feasible that the information that was obtained from the accused via the use of narcoanalysis was not based upon his own personal knowledge? Whatever the accused person exposes throughout the course of the investigation originates from his own thinking, which means that whatever he says, the pieces already fit together in his head. It is also possible to deduce that one's intimate knowledge of another relies on the state of that person's thinking. It is not even somewhat conceivable to make the claim that whatever the accused says directly out of his own lips is not based on his own personal knowledge. Therefore, there is no way that the narcoanalysis test can be considered non self-incriminating.

5.5 Violation of Right To Fair Trial

Recording and releasing an accused person's statements harms their right to a fair trial. In *Nandini Satpathi*, the Supreme Court ruled that "compelled testimony" includes psychological torture, atmospheric pressure, environmental coercion, tiresome interrogative prolixity, overbeating, and other intimidation. The investigation agency must also find the truth regarding the crime. The court cannot direct the investigation agency. Nonetheless, even in such a case, the compelled evidence cannot be admitted since it would be a violation of the right to a fair trial. Although it has been established that the prosecution must always provide proof, Narcoanalysis evidence may lower the burden of proof for the accused. The accused's legal or constitutional rights are not breached by an exemption or partial culpability.

The court in *Salabaiku v. Grance* ruled that presumptions of fact or law apply in every legal system while examining Article 11 of the Universal Declaration of Human Rights, the prosecution's burden of proof, and the accused's. This decision was made while the court was discussing these issues. This sort of presumption is a prevalent component of contemporary regulation regarding the possession and use of goods that pose a threat to society, such as addictive narcotics, explosives, guns, and ammunition. A provision like this one violates the Constitution and cannot stand. But even if this were the case, do you think it would be right to put the accused person's mind in such an unmanageable state that he is forced to talk about everything despite the fact that he does not know what it is that he is talking about? In *Selvi and others v. State of Karnataka*, the Supreme Court ruled that relying on conclusions or statements from any of the challenged processes would violate the "right to fair trial." This ruling was case-specific.

5.6 Narco-analysis is nothing but a form of torture:

The victim may suffer both emotional and physical torment throughout the course of the ordeal. The employment of techniques that completely obliterate the victim's individuality or that severely impair either his physical or mental capabilities may also be considered to be a kind of torture. The inhibitory effects of narco-analysis, in addition to the possible adverse medical repercussions of the procedure, make it a kind of torture. The narcoanalysis and other comparable tests are essentially substituting psychological third-degree questioning for the traditional third-degree form of physical interrogation.

The UN definition of torture²⁰ has four components:

- Torture is a humiliating practice that causes both bodily and mental pain, and its infliction is always done on purpose.
- Torture is always used.
- There is usually some goal in mind when inflicting physical or mental suffering on another person, such as obtaining information, a confession, or other such things.
- It is enforced by a government official or his representative.

When we examine Narco-analysis, we discover that all four criteria for torture are well met. The person's mental anguish increases dramatically if he finds out that some of his fantasies are exposed in the course of the Narco-analysis treatment. Video clips of actual narco-analysis of a person released by police or forensic laboratories to the media are

20

frequently shown on Indian television news channels despite the fact that they cannot be admitted as evidence. This results in significant mental anguish and social stigmatization for the accused even before their day in court has begun.

5.7 Question Over The Evidentiary Value

Article 20 of India's Constitution is an unequivocal bar against any endeavor to create a statute adding evidentiary value to the narcoanalysis test. This is because the narcoanalysis test does not have any evidentiary value. When a person is in a conscious state, it is possible for them to deliver a remark that is considered to be free. And the degree to which a statement may be trusted as proof is directly proportional to how freely it can be made. A statement made under fear, drugs, drunkenness, or anything else that causes a person to lose consciousness cannot be used as evidence. Since the Constitution of India prohibits coercion to testify against oneself, how can a narco-analysis test statement be used as evidence? How can the statement constitute proof with these restrictions?

➤ Consent of Accused

The primary issue here is whether or not a court has the authority to compel an accused person to submit to a narcoanalysis without his permission. It's important to note that this has, in fact, been done on occasion. However, the consent has been prioritized in a few high-profile situations involving political or influential figures. The Ahmedabad Metropolitan Magistrate ruled that a polygraph examination could not be performed on Gujarat DIG Vanzara in the infamous case of the fake encounter death of Sahabuddin. In 2006, the Supreme Court ruled in the matter of Krishi Cooperative Urban Bank that a narco-analysis test on K.Venketeshwar Rao had been conducted without his knowledge or permission. However, these are exceptions rather than the rule, and in other instances, such as Arun Ferreira's, the courts have ordered narco-analysis to be performed even without the accused's agreement. Since it entailed an invasion of privacy and might potentially lead to physical injury, it is a very serious issue.

➤ Accuracy of Information Revealed

There is some doubt over the reliability of the results obtained from this test when it comes to narcoanalysis. When under the influence of drugs, the person being questioned is more likely to have hallucinations and believe the things that are being suggested to them during the interrogation. Scientists from all around the globe have come to the consensus that a liar who

is under the influence of the substance may continue to lie even while they are being tested for it. Even under the best of circumstances, they will provide results that are tainted by fraud, imagination, garbled speech, and so on, according to P. Chandra Sekharan, one of the most prominent forensic specialists in the world. One person he used as an example in his articles claimed to have a kid who did not exist, another threatened to kill someone who had been deceased for almost a year, and a third confessed to stealing stuff he had just bought following narcoanalysis. All of these people tested positive for drug use during the narcoanalysis.

5.8 Need of Narco-Analysis Test

The narco-analysis test, sometimes known as the "truth serum test," is a groundbreaking example of the use of scientific progress in the judicial system. The military services and intelligence organizations initially utilized this kind of questioning during World War II to aid troops who had mentally collapsed due to the stress of combat. From the beginning, this technique served not just as an interrogation tool but also as a means of restoring a person's forgotten memories.

In this case, there are two schools of thought on the need of this technique: those who recognize the relevance of the narco-analysis test in the present day, and others who dismiss its relevance. To achieve the goal of natural justice, which is that justice should be just, fair, and reasonable, it appears necessary to have such an interrogative method for discovering the truth, especially as new types of crime emerge and offenders use different techniques for hiding the facts and evidences. On the other side, there is an excessive amount of controversy around its legitimacy and constitutionality. Many people have pointed to Articles 20 and 21 to claim that this goes against their basic rights. This kind of interrogation is illegal since it violates the accused person's right to remain quiet during a criminal procedure. Since the narco-analysis exam, like any coin, has two sides, this study will also determine which side is more significant.

5.9 Crime Control

The fact that the crime may be committed with no interference is a major issue in this situation. Crime rates are on the rise as our society develops. The rise in crime rates is at least partially attributable to advances in science and technology. In the past, it was quite simple to track down criminals and the locations of crimes they committed. The suspect is subjected to

the narco analysis test, a kind of questioning, only once a court order has been issued. Narco-Analysis tests are used mostly for the purpose of identifying dishonest criminals. It's the scientific equivalent of sleuthing equipment.

The primary goal of the Narco-Analysis test is to get to the bottom of the truth while also decreasing criminal activity in the community. Indian law enforcement officials have high hopes for narco-analysis as a scientific interrogation technique that may significantly aid in the fight against crime and its detection. As an efficient and risk-free means of producing hypnosis, it also aids in gathering conclusive evidence. Indian law enforcement claims that putting a criminal through a narco-analysis will lead to revelations regarding the crime, the perpetrator's motivations, and the whereabouts of any weapons used in the crime. The crime's motivation may be uncovered, and additional evidence necessary for a prosecution could be gathered, using this.

In India, where the conviction rate is much lower than the allegation rate, the use of narco-analysis to extract the truth from suspects may prove to be of great value to the investigating agency. "Forensic psychology plays a vital role in detecting terrorist cases," Dr. M.S. Rao, Chief Forensic Scientist, Government of India, has said. The future intentions of terrorists may be revealed and decoded using narco-analysis and brainwave fingerprinting. Countering terrorist attacks will rely heavily on preventative forensics. To uncover and counteract their schemes, forensic possibilities must be used. The conventional approaches have failed to deal with them. The average man should have easy access to forensic services. Better crime control may be achieved by forensic activism.

C.B. Hanscom, author and head of the University of Minnesota's protection and investigation department, says that promoting drug methodology in criminology is the state's objective. Hanscom mentions "more than thirty article he himself conducted under Narco-analysis and made more than 230 references for criminal investigation" in his essay. Today, possibilities are endless.

5.10 For Effective Judicial Administration

It also seems that narco-analysis is essential to the operation of the court system. The fact that several cases have been pending in the courts for a significant amount of time is a major issue with the legal system. Our country's Chief Justice, T.S. Thakur, recently brought this up on a national level, and he did so with great passion as he described the miscarriage of justice and

the strain that ongoing trials and cases have on the legal system. The trial process may be wrapped up quickly if the narco-analysis test were recognized as legitimate by the Indian Constitution. Most trials were delayed due to a lack of evidence to convict the defendants. This scientific interrogation method will be very useful in eliciting details about the commission of crimes, speeding up the delivery of justice. Although the adage "justice delayed is justice denied" holds true everywhere, it's becoming clear that some leniency is required in light of rising crime rates and legal proceedings. In order to avoid lengthy delays in bringing about justice. Our judicial administration system, which restricts a person's freedom in the name of justice when they are accused of significant crimes, may keep someone locked up for a very long time. The police may sometimes resort to so-called "third degree" procedures, in which information is coaxed out of the subject under duress. If a narco-analysis test is performed on the suspect, then at least there is less of a risk that they will be tortured.

He contended that the Police should be permitted to perform a Narco-Analysis Test since the Court had previously found that it was the safest approach to collect crime-related information from the aforesaid people. In this case, Narco-Analysis was also claimed Test is a complex technique with potential adverse responses, severe side effects, and even catastrophic outcomes. The petitioner argues that it is illegal for the respondents to force him to take a narcoanalysis as part of the investigation because doing so would violate his constitutional rights. The court has ordered the respondents to provide the petitioner with an assurance that the narcoanalysis is completely safe and would not harm the petitioner's physical or mental health. The Supreme Court said, "It is a pity that some police officers have not shed much brutal methods even in the modern age," in *Bhagvan Singh v State of Punjab*. Science should replace physical suffering.

Thus, the Narco-Analysis test may help investigators catch manipulators and hardened offenders. It may deter them from using more violent methods to uncover the truth and evidence against them.

5.11 For Combating Newer Form of Crimes

Crime takes on various shapes and manifests itself in novel ways as society evolves and becomes more complicated throughout time. This, in turn, calls for the use of cutting-edge scientific methods in policing and adjudication, such as the Narco-Analysis test. These scientific methods may be used to supplement deficiencies in the investigation process or to

address public uproar when a typical crime has reached an unprecedented scale. Several suspects in the Aarushi murder case, including Abdul Karim Telgi, are examples of this in the present day. Some of the approaches entail making previously unknown details about the accused public. These methods deviate from the norm in that they need some input from the suspect themselves.

The narco-analysis test is rapidly becoming into a useful interrogation tool for addressing emerging criminal trends. When a crime has a technological component and the perpetrators are using high-tech means to conceal their tracks or dispose of evidence, the traditional questioning method is useless. To protect the important time of the court administration system, it is necessary to have some such scientific methods of interrogation in situations when obtaining evidences and information is a challenging work for the police system. The court has also expressed its approval of these scientific interrogation methods and has acknowledged the data gleaned from them as part of the official record of the case. The Bombay High Court confirmed the legitimacy of the P300 or brain mapping and narco-analysis test in a landmark ruling in the case of Ramchandra Reddy and Others v State of Maharashtra. The court also ruled that evidence gathered while under the influence of drugs is valid. With the rise of high-tech criminality, With criminals maturing into professionals, the application of Narco-Analysis may be invaluable; although the conscious mind will never expose the truth, the unconscious may. The court also found that the risks of injury from these kinds of examinations are low. Evidence obtained while under the influence of drugs or alcohol has also been deemed acceptable by the court. In addition to its use in detecting and preventing criminal and terrorist activities, narco-analysis has been noted by experts and forensic scientists as playing a crucial role in extracting the truth from people who have been suspended or are otherwise associated with terrorist activity.

The requirement for a narcoanalysis test also seems to be important in situations in which the crime is among the rarest of the rare and in which the criminal has not readily revealed the truth despite having full proof against that individual. Because the murder case involving Nithari is of such a serious character, it has become challenging for the police to discover the truth about such heinous killings. In order for the court to gather the necessary information surrounding the case, they have resorted to using the narco test. In January 2007, Surender Koli, who was the primary suspect in the Nithari case and had been transported to the Forensic Science Laboratory in Gandhinagar for a narcoanalysis, was examined there. In order to determine whether or not the claims that Moninder Singh Pandher and his servant

Surender Koli, who are suspected of committing a string of murders in Nithari, were truthful when they were made during their custodial questioning, a polygraph examination was carried out on the pair. The accused made many admissions while medicated. He named the ladies he had slain and confessed to wanting to rape them. The Supreme Court maintained the death sentence for Nithari defendants.

Narcoanalysis was admissible in Rojo George vs. the Deputy Superintendent of Police. However, the court found that today's crooks use more sophisticated and cutting-edge approaches. The typical method of investigating and questioning criminals will not work, thus polygraph, brain mapping, and narco-analysis will be needed.

CHAPTER VI:

ROLE OF JUDICRY IN NARCO ANALYSIS TEST

Even though the technique is not yet officially authorized, it is gradually finding its way in mainstream sectors of investigations, court hearings, and labs throughout the Indian subcontinent. In 2001, in response to the crimes perpetrated by Veerappan, the Forensic Science Laboratory in Bangalore carried out the very first narco-analysis ever carried out there. In light of this, the National Human Rights Commission of India (also known as the "NHRC") issued some rules for the test, one of which is that the police cannot administer it on their own initiative without first obtaining the approval of the accused in front of a Magistrate. The remaining tenets of the code of conduct are as follows:

If the accused wishes to participate in the tests, he should have the opportunity to consult with an attorney. The police and the lawyer should give him a straightforward explanation of the psychological, physiological, and legal repercussions of doing such a test, and they should do so in as much detail as possible.

- A Judicial Magistrate must record the accused person's permission and ensure that the accused is properly represented by counsel throughout the hearing.
- The defendant must be notified explicitly throughout the hearing that any statements made to the police will be treated as such and not as a "confessional statement to the Magistrate."
- The Magistrate must take into account the totality of the circumstances surrounding the arrest, from the amount of time spent in custody to the specifics of any questioning that took place.
- A comprehensive medical and factual narration of the method in which information was acquired must be taken on record, and the Lie Detector Test itself must be recorded in the presence of a lawyer.

As in the cases of Abdul Karim Telgi in the stamp paper scam, where information was yielded but its evidentiary value was questioned, the relevant factor of the test lies in situations where traditional crime takes the form of public outcry or to cover up shortfalls in investigative processes. This is due to the fact that the public outrage in such cases serves to hide the inadequacies of the investigation. In the instance of a series of killings in Nithari

village, where the accused had already through the process, it was also utilized. Keep in mind that the usual investigative processes may not be sufficient for complex crimes, and that investigators may need to resort to more strict means of obtaining the accused person's assistance, some of which may be coercive in nature.

As a result, suspects in various high-profile cases, such as the Nithari murderers, the Mumbai train bombings, the Aarushi murder, Malegaon bombing, and Mumbai bombing suspects were sedated with sodium pentathol during questioning. The High Courts of Allahabad, Gujarat, and Madras have also taken a forward-thinking approach to using similar methodologies to determine the truth.

➤ **High Court v. Supreme Court verdict**

The Madras High Court has already ruled that if an inquiry isn't wrapped up in a fair amount of time, the accused has the upper hand and coercive measures like these may be employed if the accused refuses to comply.

A previous ruling in *Shailendra Sharma v. State & Anr* reached a similar conclusion, holding that narco-analysis testing is a useful investigative tool. It's useful for building a solid foundation on which to do more research and gather supporting facts. The rights of the accused must be respected with the benefits to society as a whole and the need of a thorough inquiry. The court also ruled that narco analysis is not unconstitutional since it helps with the investigation process, and that any incriminating statements the defendant makes to police cannot be used against him. The narco-analysis test was ordered by the court, and the defendant was given a deadline to comply. Therefore, there is no doubt that it should be used in the probe.

The Supreme Court finally settled the matter in 2010. Two questions developed with regards to Articles 20(3) and 21 concerning the involuntary administration of DDT to help and improve inquiry in criminal situations. And although the Madras, Karnataka, Bombay, and Gujarat High Courts have all ruled in favor of using the method and upholding its validity under Article 20(3), these decisions have been criticized for being too mechanistic, unfounded, and lacking in imagination. The ruling was historic since it declared the practice unlawful and a breach of personal privacy. The highest court in India has made it very clear

that such procedures need permission and that anybody voluntarily undergoing one must have legal representation. In addition to the other instructions required by the NHRC 2000 recommendations, they must be informed about the potential psychological, physiological, and legal repercussions of the test.

According to the Bench, using these methods on a mandatory basis would be a violation of Article 20(3). Since the subject lacks the ability to exercise volitional control over their replies during the administration of the test, Even if the patient consented to these tests, the Bench concluded that test results alone were not evidence. New evidence confirmed by voluntary testing is admissible under Section 27 of the Evidence Act.

The judgement was a major blow for the Central Bureau of Investigation (CBI), which had contended that all its tests are legally sanctioned and essential for proving crimes.

6.1 Current scenario

The Supreme Court issued a ruling in September 2017 that said no accused person has the right to seek a narco test as a means of proving their innocence. It was founded on the rationale that investigations are the responsibility of the police and that the court does not have the authority to regulate how an investigation should be conducted. No accused person may make a demand to carry out such examinations since doing so would delay the conclusion of the trial.

However, just recently after a After a significant public uproar over the killing of a Dalit lady in Hathras, Uttar Pradesh, the state administration ordered polygraph and narcoanalysis testing for those involved. The parties, police, and victim's relatives have given conflicting statements. The state government also mandated testing for case participants. Considering precedents, the CM cannot request such a test without court authorisation or party consent.

6.2 Global status

Narco tests are invalid in the UK. They don't think it's believable, and if it were used to prove guilt or innocence, there wouldn't be a case. Also, a number of other resolutions have been passed on the ethics of the medical profession and the involvement of medical professionals in harsh, cruel, and humiliating treatments. That in accordance with principles 2 and 4, it

would be a serious violation as well as a crime under international treaties for medical professionals to participate in such activities that have an impact on either the physical or mental health of patients.

The World Medical Association has likewise changed its Tokyo statement on this topic, and it takes a similar position about the non-involvement of doctors in such demeaning activities as the American Medical Association does. A report that was compiled by a working committee specifically for this assignment and issued by the British Medical Association. The article was headlined "Medicine Betrayed," and it was followed by the publication of a manual to serve as a guide for medical practitioners who collaborate with law enforcement and security services.

6.3 United States

It has long been the position of the American Psychiatric Association and the American Medical Association that psychiatrists should not participate in or assist in interrogations, and this position has been repeated by both organizations. It has come to light in the United States that using such tactics may be a violation of the right to privacy protected by the Fifth Amendment. The European Court of Human Rights seems to share this worry, since some have argued that using a truth serum may be considered torture or a violation of the right to be free from cruel or degrading treatment. The Inter-American Convention to Prevent and Punish Torture has deemed this practice to be unacceptable and a form of torture.

Despite the fact that the Supreme Court of the United States declared in *Townsend v. Sain* in 1963 that confessions obtained via the use of truth serum were "unconstitutionally coerced" and hence not admissible. Forensic evidence gleaned from these methods has been debated and rejected by the lower court, where it was determined that they are not accurate for use in detecting deception.

In 2012, however, a court allowed narco analysis to be used to determine if James Eagan Holmes's mental state warranted an insanity plea in the trial after the massacre in Aurora, Colorado. If Holmes entered a plea of insanity, the court determined that prosecutors might use medications like these to get answers out of him during interrogation. Since they needed to know whether he was considered mad at the time of the shootings. Whether or whether this kind of investigation was performed is unknown.

William Shepherd, who is the chairman of the criminal justice section of the American Bar Association, said that the use of a 'truth pill' would provoke a major legal discussion concerning Holmes's right to remain silent under the fifth amendment of the United States constitution. This statement was made in reference to the occurrence that was cited above. When questioned about the possible usefulness of such an assessment, psychiatric practitioner August Piper said that lowering inhibitions does not ensure that individuals would make truthful comments.

6.4 India

In order to accomplish this goal, even the Medical Commission of India has enacted a very small amendment to the formal code of medical ethics that it has in place. The modification specifies that a physician is not allowed to assist in activities that inflict mental or physical trauma on a patient or aid in the concealing of such torture that has been inflicted by someone else since this would be a clear violation of human rights. Additionally, the modification states that a physician is not authorized to assist in actions that inflict torture on a patient. This rule had already been in existence for more than two months at the time when medical professionals provided sodium pentothal for the purpose of an interrogation. In spite of the extensive attention in the media about the doctor's participation in the pharmacological torture, the medical council has neither asked for an explanation nor demanded one launched an investigation to show some degree of resolution in enforcing the organization's own rules and ethical norms.

Although it is not being denied that the use of such methods would be of significant assistance in carrying out a criminal investigation, the sanctity of the Courts cannot be assumed to be unaffected by their use. The courts have, up to this point, only taken into account a partial point of view. On the other hand, it is possible to conceptualize a compromise position that would allow the procedure to be implemented without infringing against the bounds of the principles governing basic rights.

CHAPTER VII:

CONCLUSION

Because of the inherent dangers of the method and the unreliability of the results, psychiatrists and investigators in developed nations seldom resort to narcoanalysis. However, with the support of forensic scientists and physicians, certain Indian investigative authorities use this approach. Without adequate precautions, there is a real risk that the person may have fatal or very debilitating side effects.

To better investigate crimes, it is now essential that state governments work together with federal authorities. A thorough investigation is required to improve the Indian Criminal Justice System's poor conviction rate. When it comes to drug policy, the federal government has to adopt a realistic attitude. Science and technological breakthroughs should be codified into law so long as they don't run afoul of major legal requirements and serve the public interest. The use of narcoanalysis in criminal cross-examination is now a common practice, with far-reaching effects on both the exemplary and the accountable, accelerating the pursuit of justice in high-profile cases such as the infamous Arushi murder, the Nithari killings, the Telgi trick, and the Mumbai bombings. In the sake of fairness and common sense, our council and legal staff should move swiftly to include narco-analysis within Article 20(3) of the Constitution. Modern criminals' reliance on cutting-edge technologies to carry out their illicit activities has stymied efforts to reexamine the fundamentals of criminal equity by recruiting established researchers to aid the police, prosecutors, and courts. Over a century of planning for crime control, proof standards, and institutional frameworks has shown that they fall short of modern expectations. As a result of widespread agreement among India's judicial, police, investigative, and human rights communities, the country's narco-analysis test is undergoing refinement. Only a general evaluation in favor of human rights can influence legal decisions, and by extension, the decisions and practices of other professions. In the fight for individual liberties, the people of India should take a stand against the use of invasive procedures like the narcoanalysis. It is time that this criteria be combined with Article 20(3) in such a manner that its constitutionality raises no questions. This highlights the need of the Union Government coming up with detailed regulations that must be strictly adhered to while carrying out such a test.

Just as society as a whole is undergoing rapid transformation, so too is the prototypical criminal act. It seems to be very challenging to use traditional investigation methods in the current scenario, where professionally trained criminals have begun to replace the criminal. Examining institutions, therefore, need to revise their methods so that they better reflect societal norms and criminal behavior, which should be made feasible by adopting a more methodical approach. As well as covertly upholding the use of experimental approach in the examination system when public safety is at stake, the United States Supreme Court has also approved this practice. This is why the Supreme Court never completely banned insurance claims based on narco analysis results. The use of such investigative methods is governed by a variety of regulations established by various boards of trustees and commissions. As a general rule, Indian law has sanctioned the limited use of these examinations as a method for concealing the facts. In point of fact, several rules related to criminal equity framework need to be changed in order for logical procedures for examination to become a part of the laws, so that they may be employed for the benefit of the public everywhere, and so that we can have a society free from wrongdoing. In 2004, Smt. Selvi and others recorded the largest cluster of criminal claims, which was then followed by petitions in the years 2005, 2006, 2007, and 2010, all of which were made a go of jointly by the honorable seat of the Supreme Court by special leave appeal on the fifth of May 2010. It is a lengthy judgement that is 256 pages long. In the current wave of criminal claims, objections have been expressed in favor of situations in which the accused, suspects, or spectators in an examination were subjected to such tests without their agreement. This praise has been given in honor of the occurrences. Proponents have cited the difficulties of acquiring evidence under normal circumstances and the necessity to delete information that may help law enforcement anticipate criminal behavior as justification for their acts. It has also been promised that keeping tabs on these methods does not have any significant negative effects, and that the collected data will be utilized only to bolster research efforts and not as evidence during the trial period. The improved investigative process is said to lead to increased indictment and acquittal rates. However, there is another school of thought that argues that experimental methods offer a humane substitute for the horrific and seemingly endless employment of 'third degree tactics' by agents.

In the landmark case "the perspective has discovered its notice for the situation Kharak Singh v. State of U.P.," the Supreme Court was requested to decide on the validity of police controls that permitted the police to conduct domiciliary searches and arrests, and their

decision established the right to privacy. visits and reconnaissance of persons with a criminal record. Since these directives violated his primary right to security, his attorney had investigated their constitutionality under A guarantee of 'individual freedom', as stated in Article 21. A majority of the court voted against expanding Article 21 to encompass the right to security as stated by the plaintiffs. Attempts to measure a person's development are thus an attack on the right to privacy rather than a violation of a fundamental right protected by Article III of the United States Constitution.

The Supreme Court eventually heard arguments on the question of security as a basic right in the case of *Govind v. State of Madhya Pradesh*, which had been pending for a number of years. The plaintiff's attorney in this case had argued that certain police orders were unconstitutional because they infringed his client's right to be free from unlawful arrest and detention. According to Equity Mathew, the Constitution was written with the end goal of guaranteeing that every person, his identity, and anything bearing his identity are shielded from governmental interference unless there is a reasonable basis for interference. Many of the basic rights of citizens might be seen, in this light, as providing an additional layer of security

"These instances were referred to as midnight observation cases on a more general level. At a later point, a variety of challenges relating to security emerged, including a number of various problems. One such case, known as *R. Rajagopal v. State of Tamil Nadu*, was the one that established the foundation for balancing the right to freely express oneself and talk freely in relation to the right to be protected. *Mr. 'X' v. Healing center 'Z'* essentially outlined the fundamental elements protections open to anybody who can live with HIV. However, in this instance, the pursuit and seizure of police power and the extent to which it can compromise a resident's right to protection are also relevant considerations (*Selvi v. State of Karnataka*). *District Registrar and Collector v. Canara Bank* established that the right to remain silent includes the right of every citizen to maintain the confidentiality of his or her personal national security. Any security privilege must encompass and defend family life. "Preposterous inquiry and seizure" violates the right to security when there are no regulations on who can search the place and under what conditions and there are laws that meet the requirement.

"One thing essential to ensure that the whole process of due procedure has been accommodated with required politeness has been by assessing the method proof has been

gathered. This is an essential factor. One of the guidelines for ensuring that principal decency is maintained is that those who have been condemned should not be punished upon being coerced or automatically admitted. An important component of any free society is the guarantee provided by the Due Process that each individual will be protected in the privacy of his or her own home from arbitrary interference. It is imperative that the directives that are imposed via the use of police power be neither capricious or severe. At the end of the day, the use of police authority must be conducted within the bounds of protected impediments, including due process.

Self-Incrimination

The third paragraph of Article 20 of the Constitution is also significant historically. An impulsive move might be motivated by either mental or bodily power. In 1961, the Even after the Supreme Court's ruling in *M.P. Sharma v. Satish Chandra and others*, a case determined by a Bench of 8 Judges of the Supreme Court of India, which at that time had a quality of 8 Judges as it were, the meaning of the word "to be a witness" was still being contested in courts. Sharma's right to due process, guaranteed by Article 20 (3), was investigated. of the Constitution, had been breached by the request for a search and seizure under section 94 of the Criminal Procedure Code. The relevant court noted that the Indian Evidence Act's Section 139, which specifies that a man presenting an archive on summons is not a witness, does not provide a reliable definition of the word "witness." The term "witness" is often understood to refer to a person who provides evidence. In addition to offering oral confirmation, a man may also be a witness by submitting documents or making cogent motions on account of an incoherent witness (Section 119) or something similar. A judge has ruled that the current archive It would be a testimonial act by that person if they acted in accordance with a notice to provide, but that wouldn't amount to restricted production of the record. All things considered, there was no discussion on the point, so the court was not required to answer the question of whether there is a connection between the creation of a report under the heading of court and the course to give a signature, thumbprint, identifying feature, or to expose one's body for the purposes of measuring or blood donation and subsequent testing.

However, in *Farid Ahmad v. State* and *Tarini Kumar v. State*, the same High Court ruled otherwise. The first case found that the accused's request to have a sample of his writing or signature taken amounted to "outfitting for implicating proof against himself emphatically

and voluntarily and not minor inactively," and so was not covered by section 73 of the Evidence Act. No provision in the Criminal Procedure Code of 1973 enables police to take an example of the accused's writing or signature, therefore doing so in the second instance would be a violation of Article 20(3) of the Constitution. According to these rulings, a possible violation may only occur if an implicating explanation was truthfully offered and then admitted as evidence. Additional statements made during microanalysis may be used as evidence in court as confirming confirmation were made by the Delhi High Court.

The Supreme Court of India reexamined matters from various Indian High Courts with an 11-Judge Bench. The three-member minority agrees with the Supreme Court's precedent in Sharma's case (Supra), but the eight-member majority disagrees. State of Bombay v. Kathu was the Supreme Court's precedent.

"The Constitutional insurance under Article 20(3) as translated in Kathu Kalu's case in matters of penmanship, thumb impressions, and so on has not been changed in perspective of the Supreme Court for the purpose of evidentiary estimation of thumb impression."

The concept that a court may make a final verdict after scrutinizing a thumb imprint cannot be included into the definition of "to be a witness," but even if it were, it would not be able to disprove a person's own testimony. Regarding the concept of "to be an observer against oneself," the reasoning for both the majority decision and the minority opinion holds true.

Narcoanalysis, brainmapping, functional magnetic resonance imaging (fMRI), and polygraph testing as inherently significant techniques for social event verification. Whether or whether this evidence-gathering strategy undermines long-standing protections, such as the "privilege against self-implication" guaranteed by Article 20(3) of the Indian Constitution and Section 161(2) of the Code of Criminal Procedure, 1973.

What extent, if any, does the approach adopted run afoul of the concept of "substantive due procedure"?

The question is "whether the mandatory organization of any of these systems is an unjustified interruption into the mental protection of a person."

If certain safeguards are in place, "whether a man is permitted to take deliberate organization of the censured strategies regarding criminal equity."

The criteria for self-assurance are affected by whether the information sought is inculpatory or exculpatory.

The following judgments were delivered by the honorable seats of K.G. Balakrishnan C.J.I and R.V. Raveendran J., as well as J.M. Panchal J. In light of the uniqueness of the current situation, the Supreme Court reached a landmark decision based on the rights guaranteed by Article 20(3). What follows is a simplified version of the decision as communicated.

Lord Justice K.G. Balakrishnan

"A number of significant and condensed impressions made by the Chief Justice himself appear to be:"

"As previously stated, 'the privilege against self-implication' is now considered a crucial safeguard in criminal strategy. Its primary purpose is to ensure the veracity of the statements made by an accused, and a secondary purpose is to ensure that these statements are provided voluntarily. A guy who is suspected or accused of misconduct may have been coerced into testifying by the use of intimidation, threats, or other affectations on the part of investigators. When a person feels pressured to make a claim in order to further his or her own interests, that claim is more likely to be untrue. Incorrect confirmation undermines public faith in the process and its verdict. Thus, the 'guideline against automatic admissions' is there to make sure that the evidence examined in court is sound. The court and the prosecutor may be fooled by the automated proclamations, leading to an artificial birth cycle of equity. Even during the investigation phase, erroneous statements might cause delays and roadblocks in the investigation process.

Evidence acquired during an inquiry, both inculpatory and exculpatory, must be carefully evaluated to determine which pieces will be presented as proof during a trial. According to the exclusionary principle in proof law, incriminating evidence that was obtained via illegal means (such as coercion, threat, or affectation) shall be suppressed. Contrary to inculpatory evidence, however, there are no such limitations placed on it. It is only after the examination phase that a judge or jury will decide which pieces of evidence are inculpatory and which are exculpatory. The 'privilege against self-implication' would be nullified if we allowed the affirmation of automatic proclamation on the grounds that it is unknown at the time of presenting a question whether the response would be inculpatory or

exculpatory. For 'any individual' who is the subject of an investigation, the law mandates a choice between speaking out and staying quiet. So, it's up to the interrogated party to judge whether their response will be incriminating or exonerating. It's also conceivable that evidence or information gathered at an earlier stage of the inquiry may end up being incriminating.

Both of the tests in question are scheduled automatically, which some have said restricts students' "individual freedom" in a select few courses. The use of physical force to keep a test subject within the testing room is the most blatant indicator of confinement. The subject's mental safety might also be compromised by the disclosures brought on by the drug or by the inferences drawn from the assessment of the subject's physiological reactions. A guy may also present an incriminating look if he feels threatened by the impending use of any of these methods. However, a guy who has been subjected to these procedures under duress may be confronted with the results during subsequent cross questioning, leading to incriminating

We should also depict situations in which a guy doing the aforementioned examinations is exposed to harmful effects, but not of a corrective sort. We've made it clear that we're concerned about cases when test results could encourage experts to engage in custodial abuse, observation, or excessive provocation. We've also heard of instances when testing facilities have shared narcoanalysis session records with industry groups. After these recordings have been widely shared by the public, the person may be subjected to unnecessary stigma and risks. Even if there is a "trial by media," it might incite vigilante actions.

"We should keep in mind that the law imposes certain constraints on 'individual freedom' in the routine functioning of police personnel. The CrPC, for instance, is a part of a complex scheme that supports forces such as arrest, interrogation, pursuit, and seizure. One of the most important benefits of our current system of criminal justice is that it allows the police and the court system to use a reasonable amount of force when necessary. The 'power as is rationally important' clause is therefore included into the procurement that allows the Courts to arrange for a man to have a therapeutic assessment prior to his being brought into custody for further judgment. One's paradigm, such as "decency, non-assertion, and sensibility," should be used to evaluate the legality of confines placed on the concept of "individual freedom," which clearly does not yield rights in the highest sense.

Protection against governmental interference in one's person or property has always been at the center of our legal notion of security. In the same way that criminal method and confirm can't be the foundation for persuading a guy "to grant personal information around a significant reality," law orders obstruction with physical security through statutory procurements that empower capture, confinement, hunt, and seizure. According to the principle of interdependence of rights, Article 21's 'individual freedom' includes the privilege against self-implication. In light of this, the intersection of our understanding of the 'privilege to protection' and Article 20(3) should be the focus of our attention. In addition, the goals of reliability and willfulness of affirmation supplied in a custodial situation seem to be served by the 'tenet against automatic admissions' as shown in Sections 24, 25, 26, and 27 of the Evidence Act, 1872. Articles 20(3) and 21 of the Constitution, read along with the norms of confirmation law, lead us to a clear conclusion. The importance of self-governance may be seen from many different vantage points, such as the choice between silence and speech. No one else has any business interfering with a person's right to self-determination when it comes to how they show themselves, especially when that person is subject to criminal allegations or consequences.

The 'privilege against self-implication' is disregarded, in our view, by the required arrangement of the critiqued approaches. This is due to the fact that the underlying logic of the aforementioned right is to ensure the veracity and, furthermore, the voluntariness of declarations that are accepted as proof. Based on its interpretation of Section 161(2) of the Code of Criminal Procedure, 1973, this Court has found that Article 20(3)'s protections extend to accused individuals, suspects, and witnesses throughout the investigation phase of criminal proceedings. If the results of the test were obtained on the spur of the moment, they cannot be accepted as evidence. Article 20(3) guarantees a person's right to choose between speaking up and remaining silent, regardless of whether the generated evidence will be used against or in favor of the suspect. This right exists regardless of whether the suspect would benefit from the evidence or not. at accordance with Article 20(3), it is desired that the "movement of individual information that is significant to the actualities in issue" be retained. The results that were obtained from each of the exams that were in dispute had a testimonial quality to them and hence cannot be considered to be substantial evidence.

We share the view that it is a misuse of the norm of substantive due procedure's necessary for regulating individual freedom to oblige a person to undergo any of the treatments that have been condemned. Even if these strategies are well handled during the

duration of an examination, or for some other reason after the test findings, a man may still be vulnerable to hostile, non-reformative consequences. The impugned techniques cannot be read into the legislative procurements that allow therapeutic assessment during examination in criminal cases, as indicated in the Explanation to Sections 53, 53-A, and 54 of the Code of Criminal Procedure, 1973. Given the 'ejusdem generis' concept and the factors that compose the understanding of law in connection to exploratory advancements, a translation of this extent is not conceivable. We've also discussed how the common person's privacy is invaded when these infrastructures are planned. It would be equivalent to "savage, cruel, or corrupting treatment" in terms of advocating for international human rights standards. That the outcome of these procedures is dependent on the context puts the 'privilege to reasonable trial' at conflict with it. The degradation of sacred rights, such as the "privilege against self-implication," for example, cannot be justified by a compelling open interest.

After reviewing the evidence, we have come to the conclusion that none of the techniques above should be used on any individual in any circumstance, including but not limited to criminal examination. It would be an insane intrusion on individual freedom to do so. However, with appropriate protections in place, we do permit the purposeful organization of the sanctioned procedures in regard to criminal equality. The results of these tests cannot be used as evidence, even if the person voluntarily submits to one. investigation since the individual does not exercise deliberate control over their responses during the administration of the test. However, under Section 27 of the Evidence Act of 1872, any information or evidence discovered with the use of knowingly manipulated test results may

There is room for error in polygraph exams due to their limitations. These tests are flawed because intentional alterations to physiological responses are not always triggered by dishonesty. Instead, they could be triggered by fear, nervousness, uncertainty, or confusion.

Physical conditions during a polygraph test might also introduce distortions to the data. The exam should be administered in a calm, distraction-free environment with maximum safety measures in place.

Because "a man in a state of despondency or hyperactivity is liable to offer exceptionally divergent physiological reactions that could delude the analyst," it is important to consider the subject's mental health.

"Occasionally the participant may have suffered memory loss in the interim between the crucial demonstration and the test behavior. When the individual is unable to recollect the facts being discussed, they will not be able to distinguish between the truth and a lie, rendering the recording of their physiological responses useless.

"Errors may also result through a process known as "memory-solidifying," in which the individual creates and joins together incorrect memories of a particular event. The person doing the lie may not even realize that they are doing it while they are praising terrible experiences.

There is always a chance that the subject won't provide any major data, and it doesn't have a guaranteed success rate. Medications are known to cause people to open up about their lives, but research shows that what they reveal is often unimportant details about their families and friends.

Extraordinary skill on the part of the cross examiners is required to extract and identify information that may ultimately be useful. Some people may maintain their trick-taking abilities when enchanted, while others become very receptive to suggestions when addressed. Since examiners under pressure to provide findings may frame questions in a manner that elicits incriminating responses, this is very stressful.

Over the course of the hypnotic state, subjects might also compose fantastic tales. There is no universal criterion for evaluating the efficacy of the 'narcoanalysis' technique since different persons will have different responses.

"Another major issue is that there is no convincing direction about the true method of the subject's engagement with the misbehavior that is being reviewed, even if the tests exhibit similarity with the material tests. This is a problem since it is important to know how the subject actually became involved with the behavior that is being evaluated. If a DNA test finds that a witness was acquainted with the data related with the crime, for example, the witness might be susceptible to prosecution for the crime they saw (such as a robbery or a murder). In addition, if the person being tested suffers from amnesia or a condition known as "memory solidifying," the results of the tests might very well be deceiving. In spite of the fact that its foundation is questionable, the findings that may be drawn from the "P300 wave test" can be used to validate other pieces of evidence, and they also have the potential to have a substantial impact on whether or not a person is found guilty or innocent.

By ruling that narcoanalysis, brain mapping, and polygraph testing cannot be administered automatically and are thus cruel, inhumane, and degrading, the Supreme Court seems to have put an end to any remaining debates over whether or not these procedures are permissible. It was also decided that a man has the right to self-implication throughout both the investigation and trial phases. The assurance extends to the accused and the witnesses as well. This decision gets down to the nitty gritty, referencing other, more distant judgments to provide a remarkable, genuine viewpoint on the validity of the maligned investigative processes. In spite of the fact that the conclusion was based on a clever line of reasoning and outstanding possibilities, it does not answer a number of problems that are patently clear. The first and most crucial thing to consider is how the investigating bodies will carry out their duties in accordance with the judgement. The decision makes it possible to exercise control over these kinds of research when they are carried out on purpose, but it also leaves the door open to the possibility of difficulties. To be clear that data by implication accumulated from a deliberately managed test - i.e. found with the assistance of data got from such a test - can be conceded as confirmation, the Supreme Court gave a thin special case, almost as an idea in retrospect. Although this narrow exception only applies when a fully informed person gives truly intentional consent to experience any of the tests, the Court has clearly expressed its conviction that data acquired even during a willfully managed test is not deliberately given, which is in conflict with the fact that the exemption was granted in the first place. Given the presumption that individuals who knowingly submit themselves to examinations do so with full awareness of the outcomes, this particular test poses a particularly difficult obstacle to overcome.

Everyone is obviously aware that the police may use force to compel suspects and onlookers into "deliberately" doing or not doing certain things. It is apparent that everyone is aware of this fact. If the same techniques were used to pressure witnesses or suspects into consenting to narcoanalysis or other tests, the Supreme Court's order might simply be made irrelevant, which would be an extremely convenient outcome. For instance, everyone agrees that the Supreme Court's D.K. Basu rules, which indicate how to act around individuals in power, are primarily merely billboard decorations inside police headquarters. This is an absurd, one-point consistency with the Court's whole list of directives, but it is consistent with the Supreme Court's D.K. Basu rules.

Subjects undergoing narcoanalysis are said to enter a "semi-cognizant state," during which they are unable to think clearly or see objects. The ability to speculate and think

critically is diminished in people exposed to such medication due to its systematic nature. Depriving the test subject of sensory input and motor control is part of this procedure. This demonstrates that a suspect's life and psyche are vulnerable to being disrupted by the placement of such medications in the body. Human rights, the right to life and freedom, and the protection of one's own autonomy are only few of the issues that arise from this investigation. In a variety of cases, the highest court in India has displayed compassionate attitudes. Although the narco examination test has its origins in India in 1936, it was not used until the Godhara Carnage Case in 2002. In 2004, when the Bombay High Court handed down its decision in the case of Ramchandra Ram Reddy vs. State of Maharashtra, the topic first entered the public consciousness. The Bombay High Court ruled that the use of investigative technologies, such as mind mapping and lie identification, did not constitute torture and that no individual accused of any offense should be made to be an observer against oneself. You may use it to resist the impulse to provide a testimonial. When comparing a Statement to testimony, the Supreme Court made the following distinction:

An announcement has to be made on the fly by a person who is emotionally driven, and they have to be completely unprepared. As we can see, the focus of the experience tests is on the information that the individual has accumulated in regard to the transgression, as well as the in-depth investigation that has been presented to him. Because of this, it is not accurate to say that every act of using one's imagination, regardless of the result, constitutes a proclamation. It consists of information that was obtained from a witness at most. The Indian Constitution, specifically Article 20(3), provides people with protection from being unjustly accused of misconduct.

In the case of M.P.Sharma v. Satish Chandra, it was argued that Article 20(3) only protects a person's right to be a witness in court; however, in the case of Kathi kalu Oghad, the respondent raised the same argument, and the Supreme Court unanimously ruled that the guarantee extends to limited confirmation acquired even outside of court because Article 20(3) includes the words "to be a witness" and "not to appear as a witness." The right to peace and quiet, which the Supreme Court has said it safeguards, is strengthened by the fact that the protection against self-involvement exists.

The investigating offices, on the other hand, contend that the Narco examination test serves as a guide for acquiring evidence and assists the examination, and that because of this, it does not constitute testimonial bias in accordance with Article 20(3). In the matter of

Dinesh Dalmia v. State, which was brought before the Madras High Court, the court came to the conclusion that "the logical tests, such as polygraph, Brain Mapping, and narco examination directed on denounced to convey out truth would not sum to ending his hush by power." The Supreme Court of India declared in another case, Selvi v. State of Karnataka, that "the aftereffects of the test can't be conceded as a proof." Because of section 25 of the Evidence Act, it was also ruled that an admission made to any law enforcement official is inadmissible as evidence during judicial review. This was one of the decisions that was made. Therefore, the court comes to the conclusion that "unless same must be interrogated or judicially investigated, the subject's announcements made amid care are not allowable as confirmation."

After reviewing "on account of Rojo George vs. Representative Superintendent," the court has decided to continue with the narco analysis because it believes that criminals have been using novel techniques for their illicit activities. Polygraph testing, mind mapping, and narco investigation are some of the alternatives to traditional techniques of inquiry and conversation with offenders that may be used. When such measures are utilized in the presence of a master, the court concluded, it cannot be said that the investigating authorities have infringed the basic human rights of any Indian citizen. An Indian court agreed with the prosecution's request for a narcoanalysis of the defendant in the case of Santokben Sharmabhai Jadeja v. State of Gujarat, saying that such a test is warranted "when all other means have been exhausted and no hope remains of uncovering the truth or capturing the offenders and it is determined by the indicting office that there is no further progress of examination, they are completely in the dark." Disclosing information that aids an inquiry into misconduct is not a violation of Article 20(3) of the Indian Constitution if the investigating office discovers such information. It is everyone's duty to aid the state in bringing criminal justice and uncovering wrongdoing, as the Supreme Court made plain in Dharampal v. State that the criminal justice system cannot work effectively if the general public is not on board. No one has the right to conceal their criminal history and shirk their civic responsibilities under the guise that they are exercising their "right to security," which is not an absolute right. The Supreme Court of India held in State of Gujarat vs. Anirudh Singh that it is the statutory obligation of every witness with knowledge of commission wrongdoing to assist the state in giving proof, and that it appears legitimate that if a man is unwilling to give data which is vital for examination, then an unfavorable impression must be taken against them and no Article 20(3) has stop. As a result, the Supreme Court looked at drugs through the lens of the Constitution.

"After looking at the instances that were heard in higher courts in India, it can be claimed that even Indian law is not particularly clear. In some of the cases, the court had a favorable view on the technique of narco inquiry, while in other cases, the court denied it and

made it very plain that it couldn't be authorized. The courts have placed significant restrictions on the parties' ability to employ procedure in support of their legal claims. It is reasonable to argue that the law made a gradual step toward the use of this approach and offered a limited translation of its use, therefore making it hard to completely disregard the process or utilize it in every possible scenario of crime. Because of this clarification, the law has begun to protect both persons and communities. It is in the public interest of every country to provide its residents with protection from crime and to maintain the peace, and it is also in the public interest of every nation to guarantee that its citizens enjoy fundamental safeguards under the law. Both of these goals are in the public interest of the nation. By perusing the written legal declarations and papers, one may compile a list of the many benefits and drawbacks that are associated with the situation.

Examples of criminal activity are likewise going through a period of fast alteration as a direct effect of the rapid changes that are occurring across society as a whole. It appears to be a very hard situation given the present context, which is one in which criminals who have started to replace criminals who have been probed through more conventional means. These professionally trained criminals have begun to take their position. In this circumstance, it is vital for the testing companies to change the process so that it is in accordance with the social example and criminal conduct, and the only way that this should be attainable within the examination process is by adopting a logical framework. In addition, the Supreme Court of the United States of America granted its consent, behind closed doors, to the employment of experimental procedures in the court system, despite the fact that there was a risk to the safety of the general public. As a consequence of this, the Supreme Court never went so far as to totally exclude the prospect of narco analysis tests being used in legal proceedings. A number of different boards of trustees and commissioners have come together to write a set of laws that regulate how these exploratory approaches may be used. These regulations can be found in a book. In general, the Indian legal system has sanctioned the limited use of these examinations for the goal of elucidating the truth, although there are several exceptions to this policy. In point of fact, a portion of the laws relating to the criminal equity framework require alterations so that logical techniques for examination can become a part of the laws, and consequently, they can be used for the benefit of the general public everywhere, as well as to have a society that is free from wrongdoing. It was announced today by the Chief Justice of India himself that the Supreme Court of India has decided that narco-examination tests cannot be administered to an accused person without first obtaining his authorization. This

decision was made public today. The Chief Justice of India came to this conclusion and made this judgement. This decision in *Selvi v. State of Karnataka*, which held that the privilege to individual freedom, which is cherished in Article 21 of the Constitution of India, and the assurance against self-implication, which is accessible to all persons in India as far as Article 20(3) were all pervasive, can also be hailed as one of the pattern setting milestone judgments of India. This is because it holds that the privilege to individual freedom, which is cherished in Article 21 of the Constitution of India. Both of these laws are included in the document that is known as the Indian Constitution. The fact of the issue is that the Supreme Court enlarged this school of thinking and raised the threshold so high that it even includes poly-realistic testing (lie-locator tests), the Brain Electrical Activation Profile (BEAP) test, and the Functional Magnetic Resonance Imaging (fMRI) test.

The Court acknowledged the issue that prompted this question in the accompanying terms of the lengthy judgment: "Protests have been raised in recognition of instances where people who are the charged, suspects, or observers in an examination have been subjected to these tests without their consent. After more than 250 pages, "The Judgment" still hasn't concluded. The benefit of data separation has been used to defend these methods, as it may help law enforcement agencies both in the prevention of future crimes and in the collection of evidence in cases where the former may prove challenging. In addition, there is evidence to suggest that controlling these systems does not do any major damage, and that the removed data will simply be utilized to boost examination efforts and not accepted as confirmation during the trial stage. Increases in both indictment and resignation rates are predicted as a result of enhanced fact-finding during the investigation phase. The opposite school of thought, however, thinks that these experimental approaches are a better choice than the unfortunate and apparently ubiquitous use of 'third degree tactics' in the professional world.

To paraphrase the Supreme Court's examination of the various conflicting reasons and the opinions of courts with diverse purviews: "As we would like to suppose, the required structure of the challenged procedures violates the 'privilege against self-implication,' and the decisions of courts with varying purviews corroborate this finding. This is because guaranteeing the veracity and autonomy of utterances that are recognized as evidence is central to the stated purpose of the aforementioned right. This Court has determined that Article 20(3) protects accused people, suspects, and witnesses throughout the investigative phase of criminal proceedings based on its reading of Section 161(2) of the Code of Criminal Procedure, 1973. Test findings that were collected on the spur of the moment cannot be

considered reliable. No of whether the following confirmation is exculpatory or inculpatory, Article 20(3) guarantees a person's freedom to choose between speaking out and staying quiet. Keeping the compelling movement of individual learning relevant to the certainties at stake is what Article 203 is all about. Each debunked experiment's findings are anecdotal in character and hence cannot be considered material confirmation.

In addition, we are of the opinion that it is a violation of the 'substantive due procedure' threshold that is required for the regulation of individual liberty to force a person to go through any of the procedures that have been described above. When the results of a test are leaked, an individual's rights will be infringed regardless of whether or not these techniques are controlled coercively during the examination or for any other reason after the results of the test have been disclosed. The explanations to Sections 53, 53-A, and 54 of the Code of Criminal Procedure, 1973, cannot be interpreted to mean that the practices that have been condemned may be used in conjunction with the legal provisions that make it possible to conduct medical examinations during the course of a criminal trial. Because of the 'ejusdem generis' concept and the factors that control the explanation of law in connection to logical advancements, such an all-encompassing translation is not conceivable. We have also outlined the reasons why compelling someone to engage in any of these practices against their will constitutes an invasion of privacy and has no place in modern society. In light of this, it would be analogous to "savage, brutal, or corrupting treatment" in the vocabulary used to create worldwide standards for human rights. The 'right to a reasonable trial' is incompatible with a scenario in which the outcome is determined by the findings obtained from such approaches. It is not possible for a compelling public interest to justify the degradation of constitutionally granted rights such as the "privilege against self-implication." In light of these results, we have come to the conclusion that no one should be forced to go through any of the processes that are being discussed, whether it be for the sake of an inquiry in a criminal action or anything else. That would be an unnecessary violation of people's right to personal freedom. However, we do not rule out the possibility of conscious design of the procedures that have been condemned in regard to the equity of the criminal justice system. This, however, is contingent upon the presence of sufficient safeguards. Due to the fact that the subject does not have conscious control over their replies while the test is being administered, the results cannot be taken as evidence on their own. This is the case even if the subject voluntarily submits themselves to one of these examinations. According to Section 27 of the Evidence Act of 1872, any information or evidence that was gained in this

way by making use of purposefully falsified test findings is permitted to be presented in court.

The Bench has also made a number of other insightful comments, such as the following: "As was noted previously, 'the right against self-implication' is today viewed as a vital shield in criminal strategy. Its basic line of reasoning is based on a comprehensive comparison with two ends in mind: (i) guaranteeing the truthfulness of a person's claims, and (ii) guaranteeing that they were made with purpose. It's possible that pressure, threats, or actuations were utilized to get testimony out of a suspect or accused criminal during the investigative process. This is a plausible option that must be taken into account. If a guy is placed in a situation where he must affirm something for his own benefit, there is a far higher chance that the confirmation is false. Incorrect testimony casts doubt on the fairness of the trial and the reliability of any judgment that may be obtained as a consequence. The 'tenet against automatic admissions' was developed for this very reason, so that judges could have faith in the evidence they were considering. The court and the prosecutor are equally susceptible to being misled by self-explanatory algorithms, which may lead to an unjust birth cycle of equity. Despite the fact that the inquiry is still in its infancy, incorrect remarks have a potential to impede its development.

When deciding what evidence to admit as confirmation at trial, it is important to distinguish between inculpatory and exculpatory evidence acquired during the investigation. The exclusionary guideline is a concept in evidence law that indicates inculpatory evidence gained via unethical techniques (including coercion, risk, or affectation, among other things) shall be omitted from the hearing. However, this rule does not apply to evidence that may be used to clear someone's name. This difference between the treatment of inculpatory and exculpatory evidence, however, is only made in hindsight at the trial stage, and it is not feasible to reach back and put it into play during the examination stage. If we can discover a means to permit the confirmation of automated articulation based on the premise that it is unknown at the time of posing a question whether the answer will be inculpatory or exculpatory, the 'privilege against self-implication' would be rendered meaningless. The law protects the right of "any individual" taking an examination to make an informed decision about whether or not to participate verbally. This would imply that the accused is the one to determine whether or not a certain piece of information would prove to be inculpatory in the investigation into their guilt. Information or materials gathered at one stage of an inquiry may turn out to be damning during a different stage.

For example, the author writes that "there are a few ways in which the automatic organization of both of the condemned tests could be seen as a limitation on 'individual freedom.'" The most obvious sign of restriction is the need to use force to keep someone on the premises where tests are to be done when they don't want to be there. The subject's mental security may also have been compromised by the medication that led to the disclosures or by the substantive conclusions drawn from the analysis of the subject's physiological reactions. After being undercut by any of these methods, men may also resort to accusatory remarks. If a man is convinced to undergo one of these systems, the findings may be used as evidence during cross-examination to elicit confessions or other damaging statements.

We also need to demonstrate situations in which a guy undergoing these evaluations has non-rehabilitative, unpleasant suffering. We hope you have heard and acted upon our message of concern for situations in which test results might lead to custodial maltreatment, surveillance, or excessive hounding. We are aware of instances where examining offices have made public video recordings of narcoanalysis conferences. The introduction of such recordings into the public domain is very unpleasant since it exposes the recipient to unfair scorn and specific risks. Even if there is a "trial by media," it might still spark vigilante actions.

It's important to remember that the law imposes certain constraints on the police's ability to exercise "individual freedom" in their daily work. The CrPC is now an integral element of a sophisticated plan since it permits capture, custody, cross-examination, inquiry, and seizure, among other things. The fairness of the criminal justice system relies on the involvement of the police and the judicial system to guarantee a proportionate response to any threat. Therefore, the statute that empowers courts to arrange for a person being held for further judgment to undergo a medical examination also permits the exercise of 'authority as is logically needed' for this reason. The very idea of "individual freedom" prevents the existence of absolute rights, and the legitimacy of any limitations on such rights must be evaluated in light of some norm, such as "decency, non-intervention, and sensibility."

As a result, the United States' legal understanding of security has mostly centered on protecting people's bodies and homes against invasive government interventions. The goal of the criminal justice system and common law is to impede with physical security through statutory procurements that empower capture, detention, pursuit, and seizure among other things; however, this cannot be the basis for persuading a man "to confer personal

information around a pertinent actuality." Protection against self-implication should be included in the concept of 'individual freedom' under Article 21 according to the notion of the interdependence of rights. Therefore, Article 20(3) should serve as the point of junction between our interpretation of the 'privilege to security' and the idea itself. Furthermore, the 'tenet against automatic admissions' typified by Sections 24, 25, 26, and 27 of the Evidence Act, 1872 seeks to accomplish both the dependability and the intentionality of confirmation provided in a detention center. The Constitution, including Articles 20(3) and 21, together with the standards of proof law, all point to the same conclusion. The importance of individual choice in situations, such as deciding whether to be quiet or start a discussion, cannot be overstated.

BIBLIOGRAPHY

Statutes

1. The Constitution of India
2. The Code of Criminal Procedure, 1973
3. The Indian Penal Code, 1860
4. The Indian Evidence Act, 1872
5. The Prison Act, 1894

Books

- Bakshi, P.M. “The Constitution of India, Selective Comments”, Delhi Universal law, (2007).
- Baxi, Upendra, The Crisis of Indian Legal System, B.R. Publishing House, New Delhi, (1981).
- Dhagamwar Vasudha, “Law Power and Justice”, Sage Publication, New Delhi, (1992).
- Gaur, K.D., “Criminal Judicial System and Social Defence”, APH Publishing House, New Delhi, (1998).
- Jain, M.P., “Indian Constitutional law”, Ed. 5th, (2008)
- Justice Iyer, V.R. Krishna, “Justice at Crossroads”, Deep and Deep Publication, New Delhi, (1992).
- Justice Iyer, V.R. Krishna, “Justice at Crossroads”, Deep and Deep Publication, New Delhi, (1992).
- Sharma, B.R., “Forensic Science in Criminal investigation and Trials”, Universal Law Publishing, Delhi, 4th Edition, (2005)
- Justice Malimath V.S., “Committee on Reforms of Criminal Justice System Government of India, Ministry of Home Affairs,” March, (2003).
- Bedi. Kiran, “Report of Draft Committee of National Policy on Prison Reforms and Correctional Administration,” Directorate Bureau of Prison & Research, New Delhi, (2005).
- National Human Rights Commission, “Guidelines relating to Administration of (Polygraph Test) Lie Detector Test,” Notification No. 117/8/97:98, Law Division III, NHRC New Delhi,(Jan. 2000).

Articles/Journals

- Acharya Subhojyoti, “Is Narco Analysis a Reliable Science, The present Legal Scenario in India”, available at <http://ezinarticles.com> (Last Visited on 13/10/2014)
- Barnwal, Ajay & Dr. Ambedkar, S.N., “Narco-analysis Test: An analysis of various Judgements of Indian Judiciary”, IOSR Journal, (2014)
- Chakraborty Supallab, edited by Amulya khurana, Critical analysis of Selvi Vs. State of Karnataka, Lawctopus law journal, (2015)
- Galetta, A., “The changing nature of the presumption of innocence in today's surveillance societies: rewrite human rights or regulate the use of surveillance technologies?” European Journal of Law and Technology, Vol. 4, No. 2, (2013).
- Mohan Bannur Muthai, “Misconceptions about narco analysis Test, Indian Journal of Medical ethics” Vol.4 (2007).

- Tewari Mayank, “First brain mapping lab in Bangalore Sunday Hindustan Times”, Mumbai (September 17, 2006), page 1.

Websites

- www.livelaw.in
- www.ilidelhi.org
- www.indiankanoon.org
- www.indiacourts.nic.in
- www.lawcommissionofindia.nic.in
- www.lawresearch.com
- www.supremecourtcases.com
- www.supremecourtfindia.nic.in