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# INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

**[ISSN 2581-5369]**

**Volume 3 | Issue 3**

**2020**

# The Validity of the Use of Narcoanalysis and Its Importance in the Light of National Security

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## ABSTRACT

*Criminal discovery v. The Right against Self-Incrimination has been a persistent debate when the topic of discussion is a Narco-Analysis test. I wish to understand the relevance of a Narco test in today's scenario when the gravity of the crimes being committed have increased. It has always been so in the Criminal Law that the greater right must be leaned towards. The right of the society to live. To live in peace and security and with dignity. So, when the rights of the accused are pitted against that of an entire society, the former seem rather feeble. But even then, the courts take measure to equally weigh and protect the rights of the both the parties. How does one place the legality of the Narco test in such a scenario? The technological advancement that the test provides takes strands in providing justice and in increasing the conviction rate in India. In that case what should be the actual standard for judging the validity of the Narco test? Through this paper, I wish to analyze the validity of the test and the relevance of the test today in the light of the gravity of the crimes and the urgency to deliver justice.*

***Research Objective*** *-As a replacement of the torturous techniques used for interrogation, how valid and relevant is the use of a Narcoanalysis Test as an option to conduct a successful inquiry?*

***Keywords****- Narcoanalysis, interrogation, truth serum, torture, national security, admissibility.*

## I. INTRODUCTION

In the very basic principles of Criminal Law, it has been made abundantly clear that every accused person is innocent until their guilt has been sufficiently proved. The process of proving the guilt in front of a rather unbiased bench is what constitutes a Criminal trial and this is the point where the evidence steps in. Evidence is simply a material or an instance that is used to prove the facts of the case in the court of law. There is the provision in the procedural criminal law as to what constitutes a relevant evidence and what must be disregarded. The relevancy of any piece of evidence is usually judged from the impact it

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 [ISSN 2581-5369]

would have on the case in question. The credibility of the piece of evidence becomes the decisive factor in its admissibility.

The Narco-Analysis test, as a piece of evidence has been much debated about. The debate around the test has been established via the various case laws not only in India but around the globe. While the position is settled in a few countries, in India the debate is still on.

## II. ADVENT OF NARCO ANALYSIS

To understand the application of the narcoanalysis test better, it is plausible to trace the evolution of the test. There were times when inhumane methods like torture were used for the purpose of extracting truth from the most dangerous of criminals. These methods always stood in contradiction of the basic human rights of the accused. They were highly criticized. But then there was also the need to set a deterrence and catch criminals that were involving in crimes as ghastly as terrorism.

For instance, in the aftermath of the 9/11 attacks, most of the officials were in support of the application of torture methods on the suspects of the act since they were frustrated by the silence that these suspects had maintained throughout the interrogation.[2]There were intense discussion regarding the same. Instances like these also force us to wonder that the criminals that we come across these days are often highly trained. Especially when they engage in an organized group crime like this, they are made to participate in rigorous training sessions that aptly teach them how to escape the law as well. When such crimes are taking place, it becomes necessary, as counter measures, to vindicate the criminals and understand their scheme.

Physical torture seemed to have come in the picture as the officials thought it was possible to have a more credible interrogation by directly threatening the accused than having to investigate the case which may or may not prove to be useful[3]. The investigation was just an elongated process that required much to be invested in. There were also some self-vested interests in getting the investigation completed by all means. It seemed to pave the way for breakthrough interrogations as the fear and panic of the procedure often cracked the most tough criminals.

It has been said by Sir James Stephen in his book[4], pointing to the functioning of the India police, that *"It is far pleasanter to sit comfortably in the shade rubbing red pepper into a*

[2] A.G. Noorani and South Asia Human Rights Documentation Centre, Challenges to Civil Rights Guarantees in India, (1st ed., 2012)

[3]JINEE LOKANEETA, THE TRUTH MACHINES: POLICING, VIOLENCE, AND SCIENTIFIC INTERROGATIONS IN INDIA, (1ST ED., 2020)

[4]Stephen, Sir James, History of Criminal Law, New York: Norton WW; 1952

*poor devil's eyes than to go about in the sun hunting up evidence."*

However, the post-colonial period in India and the post-World War period globally, saw the riseof staunch human rights movements. The rise of such movements required the adherence to the most essential human rights norms and physical torture as a method of interrogation came to be highly criticized. The relationship that was existing between law and violence was no longer tolerated by the officials. There was an urgent need to find an alternative to physical torture.[5]In this background, the use of narcoanalysis became popular. However, here too there was an underlying debate as human rights activists vehemently argued that this method too was violative of the rights of the subject.

***(A) Application of narcoanalysis violates the Right to Fair Trial***

The **International Convention on Civil and Political Rights** states that every person has a *Right to a Fair Trial*.[6] In the determination of the civil rights and obligations of a person or of any criminal charge, everyone is entitled to a fair and public hearing within a reasonable time. This must be in front of an independent and impartial tribunal established by law.[7]It is well established that the principle against self-incrimination is the very essence of the Right to a Fair Trial.[8] State practice also indicates that the admission of a drug-induced confession in a criminal case violates the guarantee against self-incrimination.[9]

Confessions that are made without the consent of the subject are excluded because the use of coerced confessions is repugnant to the very essence of fairness.[10] It is accepted that persons under the influence of drugs are very suggestible; so much so that they may confess to crimes which they have not in fact committed.[11]

In the case of *Selvi v. The State of Karnataka*[12], it was held that the term "and such other tests" in the **Criminal Procedure Code**[13], tests like Narcoanalysis are not included.

***(B) Admissibility of the evidence achieved by narcoanalysis is debatable***

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[5]ID. AT 5

[6]European Convention for the Protection of Human Rights and Fundamental Freedoms (art. 6) Rome, 4.XI.1950 (Dec 10); International Covenant on Civil and Political Rights, UNGAOR (1966) art. 14(1).

[7]European Convention for the Protection of Human Rights and Fundamental Freedoms (art. 6[1]) Rome, 4.XI.1950 (Dec 10).

[8]Report of the Committee of Experts, Human Rights to the Committee of Ministers, Council of Europe 1970 ¶ 141.

[9] INDIA CONST. art. 20(3); U. S. CONST Fifth Amend.; Nandini Satpathy v. Dani 1978 AIR 1025 (India); United States v. Burr, 159 U. S. 78 (1895); Regina v. Boyes, (1860) 175 ER 1004; Townsend v. Sain, 372 U. S. 293, 307 (1963).

[10] Ingraham v. Wright, U.S. 651 (1977).

[11] James I. Michaelis, An Analysis of the Truth Serum, 2 Issues in Criminology 245, 246 (1966).

[12]Selvi v. State of Karnataka, AIR 2010 SC 197

[13]Code of Criminal Procedure, 1973, No. 2, Acts of Parliament, 1973 (India), §53 A; Code of Criminal Procedure, 1973, No. 2, Acts of Parliament, 1973 (India), § 54

Furthermore, the admissibility of the evidence that is achieved by the narcoanalysis interrogation was also highly debated. The reliability of the narcoanalysis test as a means of achieving vital information is often doubted. Experience shows that the criminal who confesses as the result of skilful interrogation without the use of drugs is the criminal who is likely to respond to examination while under narcosis. It should be emphasized that skilful interrogation requires considerable patience, effort, and psychological insight.[14]

Truth serum has often been recommended as a means of last resort when all other methods of interrogation have failed.[15]There is also the chance that the accused, under the influence of the drug, may make untrue statements or withhold information.

The reliability is also in question because the application of narcoanalysis does not guarantee the credibility of the answers that are given during the interrogation process. It is said to lower the inhibition of the patient and it increases suggestibility under the influence of the drug *Sodium pentothal.* But this also increases the possibility of achieving false answers. The results can be wrong and confusing.[16]

The use of 'truth serum' does not particularly force the subject to admit their crimes however the application makes the subject more talkative. It lowers the inhibition of the subject but at the same time it does not guarantee that the elicited information will be accurate. This alone forms a potent argument to avoid the use of truth serum for the purpose of interrogations.[17]

In the US Case *United States* v. *Burr*[18]and the English Case *Regina* v. *Boyes*[19], the Court had discussed the chances of whether an interrogation that was made with the application of narcoanalysis could be self-incriminating in nature. The Court stated that that in order to justify assertion of the privilege a witness must have "reasonable cause to apprehend danger to himself from a direct answer to any question propounded." If the witness must reasonably apprehend danger to himself from the answer he would give, then that answer must necessarily be an incriminating one, for otherwise it would not reasonably place him in any danger of criminal prosecution. In fact, in the US, if any of the State Courts were admitting the confessions that are made under the application of the 'truth serum', the Supreme Court

[14] F. E. INBAU AND JOHN E. REID., LIE DETECTION AND CRIMINAL INTERROGATION, p. 186, Baltimore: The Williams and Wilkins Company, 1953

[15] 4 C. W. MUEHLBERGER. Interrogation under Drug Influence, J. CRIM. LAW, CRIMINOL. AND POLICE Sci. 42: 513, 1951.

[16]A. K. KALA, OF ETHICALLY COMPROMISING POSITIONS AND BLATANT LIES ABOUT 'TRUTH SERUM', INDIAN J PSYCHIATRY. 2007 JAN-MAR; 49(1): 6–9

[17] Marcy Strauss, Criminal Defense in the Age of Terrorism: Torture, 48 N.Y.L. SCH. L. REv. 201, 269-70 (2003/04)

[18] United States v. Burr, (1895) 159 US 78

[19] Regina v. Boyes, (1861) 121 ER 730

would reverse the conviction under its decisions by stating that the use of a coerced confession is not a part of the due process of law.[20]

### *(C) Application of narcoanalysis violates the Right against Torture*

The most controversial criticism to the use of 'truth serum' was the fact that the application of narcoanalysis was the argument that application of the 'truth serum' constituted torture.Right against Torture is an absolute right and it cannot be derogated under any circumstances.[21] It has been well established that, torture can be inflicted not only in the physical but in the mental sphere as well.[22]Further, judicial decisions indicate that, that evidence, derived from a "truth drug, amount to coercion or torture," and are "absolutely prohibited as a matter of public policy".[23]State practice also indicates that the administration or even the threatened administration of truth serum should be considered as torture.[24]Furthermore, preventive interrogational truth serum can also cause prolonged mental pain and this then affects the sense of self and personality.

## III. CONTENTIONS IN FAVOUR OF NARCOANALYSIS

To counter this, there were officials that asserted that the use of narcoanalysis was a development on the scientific front. A need was felt to make use of these advanced techniques to replace the physical torture that was being used by the police to extract relevant information. In a society like India, where police power is quite strong, the controversy around the use of immoral interrogative techniques was going around. There were several custodial deaths.[25] In fact, in the case of *State of Andhra Pradesh* v. *Smt. Inapuri and Ors.*[26]the court had recognized the need to apply scientific techniques for the purpose of investigation because there were increasing rate of instances where the police were resorting to 'third degree' methods for the purpose of extracting information from the accused. They were "flagrantly" violating the basic human rights of the accused, especially those under **Article 21 of the Indian Constitution**[27].

The use of narcoanalysis for the purpose would achieve two benefits:

[20] Malinski v. New York, 324 U.S. 401
[21] International Covenant on Civil and Political Rights, UNGAOR (1966) art 4(2).
[22] Case of Ireland v. The United Kingdom, (1978) 2 Eur. Ct. H.R. 25.
[23] Schenk v. Switzerland, (1988) 13 EHRR 242.
[24] Report by the Joint Hearing Before the Select Committee, Intelligence and the Subcomm. on Health and Scientific Research of the Comm. on Human Resources, 95th Congress 25-26 (1977).
[25] id. at 4.
[26] State of Andhra Pradesh v. Smt. Inapuri and Ors, (2008) Cri. L.J. 3992
[27] INDIA CONST. art. 21

1. It would make use of advanced scientific techniques for the enhancement of the welfare of the society.
2. It would help to counter the use of force by the State for the purpose of interrogation.

In the case of *Ramchandra Ram Reddy v. State of Maharashtra*[28], the Court had held that the answers that are given during a narco interrogation are objective in nature. They simply depict if the subject is lying or not. The results of the test, hence, cannot be considered as statement for the purpose of the **Article 20(3) of the Constitution**.[29] Only after the statement has been made by the subject, can it be determined if the statement was inculpating or not. Furthermore, as regards the consent of the accused before the application of the 'truth serum' it was held in *SantokbenSharmanbhai* v. *State of Gujarat*[30], that the question of consent does not arise here as the law that guides the process of investigation does not mention the need to take the consent of the accused during the process of investigation. State practice, under the International Law, indicates that scientific tests does not lead to testimonial compulsion and only after conducting the test, if the accused divulges information which is incriminatory, then it is hit by self-incrimination clause.[31]

In support of this, there was an amendment that was made to**Section 53 of the Criminal Procedure Code**[32] which empowered the investigative agencies to take recourse to an efficient and scientific method of investigation. This use of scientific techniques for investigation of crimes is in the general welfare of the people.[33] Even under the international law the states have recognized reliable scientific evidence like narcoanalysis while passing their judgement in domestic cases and even through legislations.[34]

In the case of *Jones v. Superior Court*[35], the Court had held that discovery, whether it be in a criminal case or a civil case, is designed to ascertain the truth. The court had contended that criminal discovery is not the product of constitutional compulsion but that of the orderly development of rules of procedure. This is the reason that countries should be allowed to venture into different methods of investigation. It is easy for the investigating officer to collect the evidences and information from the crime scene or by other sources but it is

[28] Ramchandra Ram Reddy v. The State of Maharashtra, (2004) All MR (Cri) 1704 (India).
[29] INDIA CONST. art. 20(3)
[30] SANTOKBENSHARMANBHAI JADEJA V. STATE OF GUJARAT, (2008) CRI.L.J. 68
[31] Dinesh Dalmia v. State, (2006) CriLJ 2401 (India); Stewart M. Powell, Truth Serum Urged for Detainees, MILWAUKEE J. SENTINEL 16, 16 (2002).
[32] Code of Criminal Procedure, 1973, No. 2, Acts of Parliament, 1973 (India).
[33] SPAIN CONST., art. 44 (2).
[34] Daubert v. Merrel Dow Pharmaceuticals Inc.'s, 509 U.S. 579 (1993); Chamberlin v. R, (1984) 153 CLR 521 HCA; Federal Rules of Evidence, 28 U.S.C. (2014).
[35] Jones v. Superior Court 58 Cal. 2d 56

difficult to extract the hidden information.

In *Rojo George v. Deputy Superintendent of Police*,[36]the court noted that criminals have now started using very sophisticated means of commission of crime and hence for the purpose of vindicating them, it is important that new methods like polygraph replace the conventional method.

Furthermore, Committee reports like **Gore Committee Report and the Malimath Committee Report** also embraced the need of the use of scientific and technological advancements.[37]

Another argument in favour of the use of narcoanalysis was in the case of *Selvi v. State of Karnataka*.[38] It was contended that the use if narcoanalysis did not lead to duress because the word duress as explained in the English Law dictionary, implied the application of some of some kind of injury. While this condition was fulfilled during physical torture, the use of narcoanalysis testing did not meet the threshold. *The only pain that is inflicted is during the insertion of the needle for the purpose of the application. It has been held that the administration of truth serum does not cause a prolonged mental harm as the effects of the drug dissipates within hours with no negative lasting effects thus failing to satisfy the requirements for torture*.[39]The mere scare of an adverse reaction cannot be a reason for the scarping down of narcoanalysis an interrogation technique.

The most distinguishing factor between the application of physical torture and that of narco is the well-established fact that the application of the latter is made by and under the supervision of medical experts. This is an obvious advantage of the use of this technique over the 'third-degree' method where in there is no supervision. In *Smt. Selvi and Ors. v. The State by Kormangala Police Station*[40], the Court had stated that the test was conducted under medical supervision and that the application in only acted upon after a detailed medical examination of the accused. If the accused is found medically fit to undergo the procedure, only then he/she is made to undergo the test.

### *(A) Application of narcoanalysis for National Security purposes*

Moving on, in scenarios where organized crime is perpetrated over large groups of people, the gravity of the situation requires the use of such advanced scientific techniques.Here, the

[36]Rojo George v. Deputy Superintendent of Police, (1953) AIR 131 (SC)
[37]id at. 4
[38]Selvi&Ors v. State of Karnataka &Anr, (2010) 7 SCC 263.
[39]Mehinovic v. Vuckovic, 198 F. Supp. 2d 1322, 1333-40, N.D. Ga. (2002)
[40]Smt. Selvi and Ors. v. The State by the Kormangala Police Station, (2006) 6 AIR 788 (Kar.)

 [ISSN 2581-5369]

greater good of public is placed at a greater pedestal and the rights of the individual can be neglected. In *SelviMurugeshan*v. *State of Karnataka,*[41] the Karnataka High Court had quoted that the society has a right to be protected against crime and that the rights of the society are "manifestly superior" to those of the criminal.*The US Supreme Court has also said that in cases of special government need with specific requirements of law enforcement a warranty requirement and even the requirements of suspicion may be dispensed with while the investigation procedure. It was contended that truth serum maybe administered without any warrant or probable cause in order to assist war against terrorism. It was concluded that in the situation of need, general interest of the public would override the individual right*.[42]

The national authorities are in principle in a better position to judge on the presence of threats to their national security. They are in direct and continuous contact with the pressing needs of the moment, and on the nature and scope of derogations needed to avert it. Hence a wide margin of appreciation is left to the national authorities.[43]

**Important confessions were made by the prime accused during the narcoanalysis interrogation post the infamous 9/11 attacks and US courts implicitly approved using narcoanalysis in matters where public safety was at risk**.[44]**The provision for consent and warrant had been omitted during application of narcoanalysis on suspected terrorists**.[45]**Narcoanalysis has also been used to combat the terror threats during the 26/11 and the Malegaon blasts in India and such application had helped the government to counter the terrorist and prevent further attacks**.[46]In the case of Malegaon blasts, the prime accused-Col. Purohit had provided the Anti-Terrorism Squad with all the required information about the explosives that were used for the Samjhauta blasts post the application of narcoanalysis test on him.[47]

Dr. M.S Rao, chief forensic scientist, the government of India also suggested that-"*Forensic psychology plays animportant role in the detection of terrorist cases. Narco-analysis and brainwave fingerprinting help reveal the future plans of terrorists and can be comprehended*

[41]Supra.
[42] Indianapolis v. Edmond, 531 U.S.32 (2000).
[43] Case of Ireland v. The United Kingdom, (1978) 2 Eur. Ct. H.R. 25.
[44] GERALD POSNER, WHY AMERICA SLEPT: THE FAILURE TO PREVENT 9/11 (Random House 2003); Alan M. Dershowitz, Is There a Torturous Road to Justice?, LOS ANGELES TIMES (Nov. 08, 2001), http://articles.latimes.com/2001/nov/08/local/me-1494
[45] id. at 31
[46] Rakesh Bhatnagar, Narco Tests in Rare Cases? Govt. Takes a Look at Supreme Court Order, DNA (May 26, 2010, 01:42 AM IST), https://www.dnaindia.com/node/1387849%3B; Saleem Zafar &Awais Bin Wasi, Terrorism in India: Method in Madness? POLICY PERSPECTIVES, 51 (2010)
[47]Saleem Zafar and Awais Bin Wasi*Terrorism in India: Method in Madness?* Vol. 7, No. 2 https://www.jstor.org/stable/42909276

*to prevent terror activities Preventive forensics play a key role in countering terror acts. Forensic potentials must be exploited to detect and nullify their plans. Traditional methods have proved to be a failure to handle them. Forensic facilities should be brought to the rescue of the common man. Forensic activism is the solution for better crime management*."[48]

William Webster, the former director of FBI and CBI, during his tenure had acknowledged that US was justified in using the narcoanalysis test for acquiring information that was for the purpose of "*saving lives or preventing some catastrophic consequence*." Some scholars have also gone to the extent of saying that the administration of narcoanalysis on a captured terrorist would be acceptable.[49]

***(B) Application of narcoanalysis does not violate the Right against Torture***

Despite every argument that contended in the favour of the narcoanalysis test, the critics still argued that the application of narcoanalysis was leading to the commission of torture. The commission of torture was viewed with much dissent. It has also been made an absolute right under the International Law from which no derogation can be allowed.[50] However, the promoters of the 'truth serum' have said that the application of narcoanalysis does not qualify for torture as the acts that are qualified as torture are of an extremely high threshold.

Torture has been defined under the as *any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.*[51]

Torture is not an act in itself but it is the legal qualification of an event or behaviour, based on the comprehensive assessment of this event or behaviour.[52]This essentially means that only after the act has been committed, can it be qualified as being torturous. The stringent

[48] Keynote address given to the 93rd Indian science congress. (See http://mindjustice.org/india206.htm) .
[49] Linda M. Keller, Is Truth Serum Torture, 20 Am. U. Int'l L. Rev. 521 (2005)
[50]id. at 17
[51] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, GAOR Res. 39/46 (1984) art. 1.
[52] Office of High Commissioner Human Rights Council, Interpretation of Torture In Light of The Practice and Jurisprudence of International Bodies, OHCHRC https://www.ohchr.org/Documents/Issues/Torture/UNVFVT/Interpretation_torture_2011_EN.pdf

definition of torture as given under **Article 1 of the Convention Against Torture**[53], does not extend to the use of the 'truth serum'.[54]

With the application of truth serum for interrogation, the mental pain or suffering would merely be a side effect of the drug-induced divulgence of information. As a result of this, the administration of truth serum falls through a lacuna in the CAT's definition of torture.[55]

In a case[56], the Court had held that the term "torture" is usually reserved for cases where "extreme, deliberate and unusually cruel practices". The court went on to state that examples of torture include *'sustained systematic beating, application of electric currents to sensitive parts of the body, and tying up or hanging in positions that cause extreme pain.'* The court further went on to explain that only acts of certain gravity can be considered as torture. Not all police brutality, not every instance of off excessive force, can be termed as torture. This particular conduct must rise above a certain threshold level in terms of *"insanity, brutality and pain."*

In *Smt. Selvi vs Karnataka*[57], the Karnataka High Court took an extremely narrow view of "compulsion" and held that the only pain that is caused during the 'truth serum' interrogation is from the injection prick and therefore, there is no compulsion.

Further, the application of the narcoanalysis testing does not rise to the level of shocking, outrageous and brutal conduct that is required to constitute "torture". The administration of the narcoanalysis test does not result in the subject feeling any kind of pain, in fact it only neutralizes the subject in a way that their inhibitions are lowered. On the contrary, the application of the 'truth serum' reduces tension and anxiety.[58]

It is quite unlikely that the administration of truth serum would cause a prolonged mental harm. The effects of the drug would dissipate within hours and it would not cause any negative lasting side effects on the subject. Furthermore, the experience of undergoing an injection and interrogation in no way resembles the traumatic and harrowing events that resulted in prolonged mental harm in situations where a court did find the requirement satisfied.[59]

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[53] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, GAOR Res. 39/46 (1984) art. 1.
[54] id. at 45
[55] id. at 47
[56] Price v. Socialist People's Libyan Arab Jamahiriya, 294 F.3d 82, 92
[57] Smt. Selvi v State of Karnataka, 2004(7) Kar LJ 501.
[58] George H. Dession et al., Drug-Induced Revelation and Criminal Investigation, 62 YALE L.J. 315, 318 (1953).
[59] Mehinovic v. Vuckovic, 198 F. Supp. 2d 1322, 1333-40 (N.D. Ga. 2002)

While torture is applicable in cases of mental pain, the threshold for the same is so high that the application of narcoanalysis tests would not meet it.[60] It has been held that the administration of truth serum does not cause a prolonged mental harm as the effects of the drug dissipates within hours with no negative lasting effects thus failing to satisfy the requirements for torture.[61]

## IV. CONCLUSION AND RECOMMENDATIONS

The legal doctrine *Ut res magis valeat quampereat*[62] means that where alternate constructions of a procedural law are possible, the court must give effect to that interpretation which will help in smooth working of the system. The amendment to Section 53 of the domestic procedural code[63] empowers the investigative agencies to take recourse to an efficient and scientific method of investigation.

The intention behind this amendment was to advance the investigation system in the country and to enhance the interrogation process.

It was already discussed above the number of custodial tortures in India was increasing exponentially and the human right activists were becoming extremely critical of the same. It would only have been fair to agree to the stand because resorting to methods of third-degree torture was inhumane and brutal. In the light of the increasing support for the essential human rights, it was very vital that application of these methods was stopped immediately.

However, the amendment that was made to the **Section 53 of the Criminal Procedure Code**[64] is vague and does not conclusively speak in favour of the use of 'truth serum' for the purpose of investigation. This does not contribute in any manner is establishing the position of this test in India. Even the various the decisions that have been given by the courts on the subjects of these tests have not helped in any manner. The various judgements that were given are all of mixed opinion. The Courts keep changing their stance on the use of narcoanalysis for testing. The reliability of the evidence was also doubted.

In the background of this, I would also like to make a note here of the rising organized crime that has been happening around the globe and the gravity of such kinds of crime. These kinds of crimes are extremely sophisticated and he prevention of such kinds if crime becomes vital. Taking precaution against such crime is the only way out. An established procedure for

[60] Supra.
[61] id. at 57.
[62] Saltonstall v. Sanders, 11 Allen 446, 93 Mass. 446 (1865); Simonds v. Walker, 100 Mass. 112 (1868); National Pemberton Bank v. Lougee, 108 Mass. 373 (1871).
[63] Code of Criminal Procedure, 1973, No. 2, Acts of Parliament, 1973 (India).
[64] Code of Criminal Procedure, 1973, No. 2, Acts of Parliament, 1973 (India).

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investigation goes a long way helping to combat these crimes.

There is a need to give a wider interpretation to the **Section 53, 53A and 54 of the Criminal Procedure Code** to bring the scientific tests like narcoanalysis within the ambit of these sections.

There has to be a clear-cut policy in place that will regulate the use of scientific methods in the country and the needs to use these methods must be judged in light of the facts of each case. The need to employ the scientific methods is highly subjective and a total ban on the use of these methods is not correct.

Apart from this, there should be professional application of narcoanalysis testing and there should be sufficient regulation for the same. The medical staff shall mandatorily be made a part of the application process so that the subject is monitored and all times and the process is ethical by all means.

In addition to the regulation of the scientific methods, there should be appropriate training that given to the investigating authorities that allows them to use the appliances in a skillful manner and the process is expedited.

The completing banning of advanced scientific methods like narcoanalysis hampers the advancement of the criminal system and hence they should be rightfully employed to assist in the Criminal procedure.

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 [ISSN 2581-5369]