

CRITICAL ANALYSIS OF NARCO TEST: A COMPARATIVE STUDY WITH SPECIAL REFERENCE TO THE INDIA AND UNITED STATES

Written by *Laksh Rawat*

3rd Year BALLB Student, Indore Institute Of Law

What is investigation? In India investigation is considered as an essential element in a specific manner however, most of the difficulties are rapidly occur in investigation procedure. Interrogation is part of investigation and also considered as an crucial necessity of investigation procedure. Investigation nothing but a methodology which is used by officials to grab the unknown truth which they can not get by normal interaction with particular.

Basically interrogation is type of question answer session between official and particular and that session contain some reasonable restrictions on both officials

Each country in this world holds an law to maintain peace, dignity and human integrity for human beings.

If we talk about india having power or absolute support of 16 investigations agencies like intelligence bureau , research and analysis wing ,national technical research organization ,defence intelligence agency , joint cipher bureau , directorate of revenue intelligence , signals intelligence directorate , aviation research centre ,directorate of air intelligence ,directorate of navy intelligence , directorate of income tax , director general of income tax investigation , national investigation agency – central agency of combat terrorism, central bureau of investigation. Other law enforcement agencies like directorate of enforcement, directorate of revenue intelligence , narcotics control bureau , financial intelligence unit .

Officials belongs from particular agencies have legal or absolute right to investigate or interrogate for reasonable cause .Apart from this investigation agencies no any official or any cop having absolute authority to investigation in any manner .

Investigation contain and essential segment that is interrogation and in special or crucial cases narco analysis or narco test support the interrogation and provide adequate direction.

Narco analysis or narco test or narcosynthesis or truth serum following four different term having same meaning in same sence as well as in same direction i.e. Analysis or examination of particular in and different sense apart from normal sense for concealing the hidden truth .

Narco analysis is a procedure perform with individual for a particular purpose or to detect those valuable information which is not deliver by individual in normal sence . that's why they use narco analysis.

Narco analysis is an last option or last step which is taken by investigation agencies towards particular for concealing hidden truth or known information. Narco test or narco analysis is an constitution of two rare drugs sodium pentothal and sodium amytal. Holds toxicity of 6, both the drug acc to their individual composition formed a mixture with distilled water and inject in body through intravenous catheter tube or injections. According to biological science, this two show their property within a minute in body like immediate action and or central nervous system remain unconscious.

According to investigation agencies and interrogation officer after the entry of solution in body is very difficult to manipulate sentences or to manipulate the truth that means difficult to lie.

According to agencies both the drugs are helpful to accomplish the test and reach the target that is concealing the hidden information nevertheless ,narco analysis is not an fool proof procedure or treatment for that however , sometimes both drugs completes need of poison in individual body because a drastic effect occur like it slows down heart beat rate and decreases blood pressure and depress central nervous system and produces respiratory failure and being a hurdle in airway and also prolonged sleepiness as long as 36 hours . only exactly but it is an drug cover the necessity of lethal injection execution and mega dose of this places individual into coma . Pentothal alone would cause death in fourth –five minutes .

According to medical science or bioscience microanalysis is not relevant method or exact method or procedure to concealing the hidden truth because in this procedure drug make people gabby or talkative and it does not means that is truth, and medical procedure also stop for using as an general aesthesia because recovery process from on the part of patients is very slow and difficult doctors and surgeons are not able to recover an individual from unconscious to conscious stage and at the same time drug causes hallucination and due to that some time truth was often distorted .

According to Indian justice system interrogation agencies having many interrogation techniques like exaggerating the strength of their case , good cop bad cop ,comparison , smart talk / chit chatting ,separation ,threats and intimidation, promises, furniture and spatial psychology , expression of approval , apart from this powerful and effective interrogation

techniques investigation agencies demanding permission for narcoanalysis which is unconstitutional or violation of international human rights , right to privacy , right to silence , right to live with dignity and also absolute violation of article 20[3] no person accused of any offence shall be compelled to be a witness against himself and article 21 right to life and personal liberty – no person shall be deprived of his life or personal liberty except according to procedure established by law and other human rights which is provided international human right and by conventions and also violate to live with absolute dignity and narco analysis or narco test is suppression of individual life and liberty .

In india narco analysis was first practiced in 2002 godhra case gujrat that means first this unconstitutional step was taken in 2002 , further second time test done on culprit of Mumbai bomb blast 26/11 ajmal kasab and again recently , in noida nithari murder case 2005 surrender kohli send to gandhinagar for narcoanalysis. This unconstitutional step rapidly followed in India frequently.

Basically narco analysis or narco test nothing but a sedative drug that provides relaxation to body for any special treatment or any special surgical process it is not a definite process or method to take out specific information. However indian investigation agencies use as an truth serum. further narco analysis or narco test is failure on the part of investigation agencies

Apart from indian investigation agencies practice narco analysis. United States government held narco test is an unconstitutional step in term of investigation .According to US constitution or United States justice system practicing or using of truth serum is violation of Fifth Amendment of US constitution [right to remain salient] and also violation of european court of human right . According to US government truth serum consider as way of providing torture and also infringement of inter – American convention on prevention from punishment and torture.

Application of truth serum is consider as an brutal part in US because in past it is used against psychotic patients and acc to Dr William blackwon suggestibility they said that involuntary practice of this on individual is taken as form of torture.

In 1963 united states apex court declared that using or truth serum is unconstitutional and failure on part of investigation machinery and stop practicing narco analysis , further declared truth serum is ‘ unconstitutionally coerced ‘ and inadmissible in court and no any part of evidence for any particular matter .

Apart from narcoanalysis united states having 14 interrogation techniques for interrogation for particular manner like abdominal slap, attention grasp, cramped confinement , dietary manipulation , the facial hold , the facial slap /insult slap , nudity ,stress positions , sleep deprivation , wall standing , walling , water boarding , water dousing . gun drill these are common investigation techniques which is used by us government agencies for investigation apart from narcoanalysis .

In Smt selvi and ors vs state of Karnataka¹ supreme court provides a landmark judgment and stated that involuntary exercise of impugned procedure and question of article 20[3] right against self incrimination and also violate international human rights too .

As supreme court of india stated that involuntary or without consent use of narco analysis is violation of fundamental rights but still in matter of noida nithari murder case court ordered for narcoanalysis on surrender kohli on voluntary basis .

CONCLUSION

According to comparison between indian investigation agencies and united states agencies one of the contradictory point is indian agencies have blind faith in an lethal drug which is often use for medical purpose as an general anesthesia ,medical science also stop using of because recovery process is so difficult according to doctors and united states stop using truth serum for concealing information because they know the drastic consequences of following test or they strictly obey the law and us US constitution follow the treaties and international laws.

¹ Smt selvi and ors vs state of karnataka and ors [2010 , 7 SCC ,263]