

## “UNEARTHING THE TRUTH”

Gaurav Dhody\*

Narcoanalysis & Its Constitutionality: *a critical analysis of use of truth serum to obtain evidence...*

### INTRODUCTION:

Narco Analysis is the process of administration of barbiturates or other chemical substances, most often, Pentothal Sodium, to lower a person's inhibitions, in the hope that the subject will more freely share information and feelings. The term Narco Analysis was termed by Horseley. A person can generally lie using his imagination. In the Narco Analysis Test, the subject's imagination is neutralised by making him semi-conscious and in this state of mind, it becomes difficult for him to lie and his answers would be restricted to facts he is already aware of. Experts inject the subject with Sodium Pentothal or Sodium Amytal and the dosage is dependent on the person's sex, age, health and physical condition. **A wrong dose, can pose serious threats and result in a person going into a coma, or even death.**

Narco Analysis tests have been performed in India in a few cases. The subject is not in a position to speak up on his own but can answer specific but simple questions. The answers are believed to be spontaneous as a semi-conscious person is unable to manipulate the answers. The most recent example of this would be the Nithari Killings case where the 'truth serum' was administered on the suspects, Mohinder Singh Pandher and Surendra Kohli. These tests may not be used as evidence *prima facie* but can be used to support the already existing evidence. The administration of these tests are said to hit many of the fundamental rights, which is the crux of the problem of administration of these tests. In most cases, it is viewed as a 'forced' way of obtaining information from a person on any subject, which directly contravenes the provisions of Article 20 (3)<sup>1</sup> of the Constitution of India. This is also termed as 'Self-Incrimination', where a person is forced to give evidence against himself. Article 20 (3) forms a part of the Fundamental Rights of the Constitution of India and any violation of it would be a serious cause of concern as these the basic human rights granted by the Constitution to its citizens. These are also said to violate the Right to Life and Personal Liberty, under article 21 of the Constitution of India, viz, the Right to Privacy and the Right to Silence.

### CONSTITUTIONALITY OF NARCO ANALYSIS

As mentioned above, the administration of truth serum is said to violate the Fundamental Rights as under art. 20 (3) as well as art. 21<sup>2</sup> of the Constitution of India.

**Violation of Article 20 (3):** Art. 20 (3) of the Constitution of India has three main ingredients: (a) To be a person accused of an offence (b) Compulsion to be a witness (c) It should be against himself.<sup>3</sup> The ingredient (a) is not in question here and only the last two are of concern. It is important to determine whether the information has been obtained out of compulsion and if this information is used against the person divulging this information.

**Compulsion:** According to the Black's Law Dictionary, Compelling would mean "the state of being compelled" and Compel would mean : "*To cause or bring about by force, threats, or overwhelming pressure.*" To qualify under this, the accused must be compelled to make a statement, there has to be use of force to bring about this statement. The safeguard against

---

\* 3<sup>rd</sup> year Student, Hidayatullah Natinal Law University, Raipur. They can be contacted at gauravraj2005@yahoo.com.

<sup>1</sup>The Constitution of India, 1950, Art. 20(3).

<sup>2</sup>The Constitution of India, 1950, Art. 21.

<sup>3</sup> *State of Bombay v. Kathi Kalu Oghad* AIR 1961 SC 1808 Para 7

torture and third degree methods of obtaining information, first arose in the case of *Miranda v. Arizona*<sup>4</sup>, the ambit of this has grown to such an extent that it includes not just physical emasculation but also mental depravity or the usurpation of the ataraxical need of the aggrieved party. The Supreme Court has inscribed the legal proposition that even inducement, threat or promise<sup>5</sup> would come under the confines of compulsion under Article 20 (3).

The Supreme Court has also held that compulsion can be mental in nature too.<sup>6</sup> The Supreme Court succinctly opined in the case of *State of Bombay v. Kathi Kalu Oghad*<sup>7</sup> that compulsion:

*“is a physical objective act and not the state of mind of the person making the statement, except where the mind has been so conditioned by some extraneous process as to render the making of the statement involuntary and, therefore, extorted.”*

The case of *Nandini Satpathy v. P L Dani*<sup>8</sup> held that any mode of pressure, subtle or crude, mental or physical, direct or indirect, but sufficiently substantial, applied by the policeman for obtaining information from an accused strongly suggestive of guilt, it becomes 'compelled testimony', violative of Article 20(3).<sup>9</sup>

The Supreme Court is also of the view that word 'compulsion' has to be read as meaning "duress".<sup>10</sup> Lord Wilberforce in the case of *Barton v. Armstrong*<sup>11</sup> has held that the defence of duress lies in the fact of absence of true consent.<sup>12</sup> In short the test is whether the free will is *overborne*<sup>13</sup>.

Courts have evolved another mechanism for duress called the “practical choice” test. The House of Lords in the case of *Pao On v. Lau Yiu Long*<sup>14</sup> and *Universe Tankships of Monrovia v. I T W F*<sup>15</sup> established that it is a situation where *the victim submits as there is no practical choice open to him*.<sup>16</sup> Another view of the court is that the person acting under duress intends to do so but does so unwillingly<sup>17</sup> and leaves him with a choice of evils.<sup>18</sup>

The Constitutional scheme, therefore, provides for protection against mental torture. The test should be administered without the consent of the accused. It is imperative that the will of the mind is not overborne. The use of these truth serums is internationally considered as against the primary creed of human rights. Truth serum is considered as tantamount to torture and people have decried its application on human beings as it acts as the vanishing point for exercising free will and application of mind.<sup>19</sup> Many definitions of

---

<sup>4</sup> 384 U.S. 436

<sup>5</sup> *State of Assam v. Rajkhowa Upendra Nath* 1975 Cr LJ 354 at Para 45

<sup>6</sup> *Yusufalli Esmail Nagree v. State of Maharashtra* AIR 1968 SC 147 at p.150

<sup>7</sup> *Supra* note 2 at para 17

<sup>8</sup> (1978) 2 SCC 424

<sup>9</sup> *Ibid* at paras 16 & 57

<sup>10</sup> *Supra* note 3 at para 16

<sup>11</sup> [1976] A.C. 104

<sup>12</sup> *Id* at 121; See also P S Atiyah, *Economic Duress and Will Overborne*, 98 L.Q.R. 197

<sup>13</sup> *U.S. v. Washington* 431 U.S.181

<sup>14</sup> [1980] A.C. 614; See also William Tetley, *Good Faith In Contract: Particularly In The Contracts Of Arbitration And Chartering*, 35 J.Mar. L. & Com 561

<sup>15</sup> [1983] 1 A.C. 366

<sup>16</sup> *Id* at p. 400

<sup>17</sup> *Lynch v. D.P.P of Northern Ireland* [1975] A.C. 653 at 670

<sup>18</sup> *Id.* At 690

<sup>19</sup> Prof. Chandra Sekharan, *Truth About the Truth Technique*, Vol.2 No. 1 Scholasticus Journal of National Law Univeristy, (December 2004) Professor P Chandra Sekharan has termed Truth Drugs such as Sodium Pentothol, sodium amytal, scopolamine and barbiturates belonging to the same family as “Psychological Third Degree”

torture include the use of truth serum, and many people speak of torture and truth serum in the same breath.<sup>20</sup>

Use of the truth serum has been categorically held as coercion by the US Supreme Court in the landmark case of *Charles Townsend v. Frank G Sain, Sheriff of Cook County*<sup>21</sup> Chief Justice Warren<sup>22</sup> while delivering the opinion of the court held that if an individual's 'will was overborne<sup>23</sup>, or if his confession was not 'the product of a rational intellect and a free will'<sup>24</sup>, his confession is inadmissible because coerced. Any questioning by police officers which in fact produces a confession which is not the product of a free intellect renders that confession inadmissible.<sup>25</sup>

**To be a Witness:** To be a witness has been held by the Supreme Court to mean testimony given by an accused which incriminates him. Testimony contains within its reach and periphery written and oral testimony. However the meaning of testimony, defined by the Supreme Court, includes only personal knowledge of the accused.<sup>26</sup> And if this testimony is compelled the same would offend Article 20 (3).<sup>27</sup>

Courts have evolved another mechanism for duress called the "practical choice" test. The House of Lords in the case of *Pao On v. Lau Yiu Long*<sup>28</sup> and *Universe Tankships of Monrovia v. I T W F*<sup>29</sup> established that it is a situation where the victim submits as there is no practical choice open to him.<sup>30</sup> Another view of the court is that the person acting under duress intends to do so but does so unwillingly.<sup>31</sup> and leaves him with a choice of evils.<sup>32</sup>

**Violation of Right to Privacy:** The Supreme Court has expanded and expounded new rights flowing through Article 21. The apex court has upheld a person's right to privacy<sup>33</sup> on a concomitant reading of Articles 21 and 19.<sup>34</sup> This however is not absolute for it is subject to reasonable restrictions under Article 19 and has to be in accordance with procedure established by law of Article 21. Law here refers to the positive law enacted by the Legislatures. In the absence of such a law the right to privacy cannot be deprived.<sup>35</sup> With the import of the due process clause into the Indian Constitution after *Maneka Gandhi*<sup>36</sup> and *R C Cooper's case*<sup>37</sup> the SC has held that every act of the state has to be tested on the cornerstone of just, fair and reasonability. The Supreme Court has through its interpretation incorporated the interrelationship doctrine under Part III wherein it has held

---

<sup>20</sup> Marcy Strauss, *Torture*, 48 N.Y.L. Sch. L. Rev. 201 at 213; also See Akshaye Mukal, *The Legal Questions Raised over Truth Serum Use*, Economic Times, July 25, 2002 (human rights community have pointed out that truth serum amounts to mental torture.); *A Shot at Justice: Truth Drug for Godra Accused*, Indian Express, June 23, 2002 (truth serum banned under international law, United Nations called it torture because it was physical abuse to extract information).

<sup>21</sup> 83 S.Ct 745: 372 U.S. 293

<sup>22</sup> Same Judge who delivered the majority opinion in the Miranda case

<sup>23</sup> *Reck v. Pate*, 367 U.S. 433, 440: 81 S.Ct. 1541

<sup>24</sup> *Blackburn v. Alabama*, 361 U.S. 199, 208: 80 S.Ct. 274,

<sup>25</sup> *Supra* note 11 at 754

<sup>26</sup> *Supra* Note 3 at Para 12.

<sup>27</sup> *Id* at Para 13

<sup>28</sup> [1980] A.C. 614; See also William Tetley, *Good Faith In Contract: Particularly In The Contracts Of Arbitration And Chartering*, 35 J.Mar. L. & Com 561

<sup>29</sup> [1983] 1 A.C. 366

<sup>30</sup> *Id* at p. 400

<sup>31</sup> *Lynch v. D.P.P of Northern Ireland* [1975] A.C. 653 at 670

<sup>32</sup> *Id.* At 690

<sup>33</sup> *Govind v. State of M.P.* AIR 1975 SC 1378; *R Rajagopal v. State of Tamil Nadu* (1994) 6 SCC 632; *PUCL v. Union of India* (1997) 1 SCC 301

<sup>34</sup> *Infra* notes 49 and 50.

<sup>35</sup> *Ram Jawaya Kapoor v. State of Punjab* AIR 1955 SC 549; *Kharak Singh v. State of U.P.* AIR 1963 SC 1295

<sup>36</sup> *Maneka Gandhi v. Union of India* AIR 1978 SC 597

<sup>37</sup> *R C Cooper v. Union of India* AIR 1970 SC 564

that Part III provides an integrated<sup>38</sup> and intertwined scheme<sup>39</sup> for safeguarding the Fundamental Rights. Furthermore even if we were to read it only in isolation under Article 21 it does not hold good for there is no *procedure established by law* either. The Sections 160- 167 of Cr.P.C cannot be understood as law for this purpose for it does not say that the police can compel the accused to speak even on those aspects which would incriminate him, while, on the contrary, the sections mandate the investigating authorities to protect the rights of an accused privilege against self incrimination.<sup>40</sup> This is not only a case of violation of the fundamental rights of the petitioner but is also a case of *manifest error of law*.<sup>41</sup>

**Violation of Right to Silence:** Article 19 (1) (a) enjoins every citizen with a right to freedom of speech and expression. This right also includes the right to silence. The Supreme Court has opined that the positive rights under Article 19 also include the negative rights.<sup>42</sup> The Supreme Court while looking into the question of whether the right to die<sup>43</sup> is included within right to life held that though the right to die cannot be got within the purview of right to life while the other rights under article 19 are in a different plane and the negative rights would flow through them.<sup>44</sup> Every statute though limiting everything to one form, although spoken of in the affirmative would also include the negative.<sup>45</sup>

If this right to silence has to be restricted then it would have to follow from the reasonable restriction under Article 19 (2). The reasonable restriction however flows only through a law<sup>46</sup> and since there is no law in the present case which regulates the right not to remain silent, the administration of truth serum would be wrong.

**Violation of Due Process: Procedural and Substantive:** As a result of the Maneka Gandhi's case<sup>47</sup> and R C Cooper's case<sup>48</sup> the Due Process doctrine<sup>49</sup> was imbibed into the Indian Constitutional paradigm. The aspects of procedural due process and substantive due process are contained as procedural reasonableness and substantive reasonableness. This conclusion is arrived by reading Articles 19 (2)–(6) and 21 cheek by jowl. Substantive reasonableness is where the restriction imposed on the Fundamental right is reasonable on

---

<sup>38</sup>Infra note 48 at Paras 54 - 57

<sup>39</sup>Infra note 49 at Paras 61 - 64

<sup>40</sup>Sections 161 (2), 313 (3) and 315 of the Criminal Procedure Code

<sup>41</sup>See Nani Palkhivala's Propositions filed in the Supreme Court against the government's plea that Kesavananda Bharati's case should be overruled, *We The People*, 185, (New Delhi, Universal Book Publishers, 2002)- Manifest Error is what can be demonstrated to be an error on the face of the argument- e.g. overlooking a statutory provision or a binding authority.

<sup>42</sup>*Excel Wear v. Union of India* AIR 1979 SC 25; *Kala v. University of Rajasthan* AIR 1984 SC 59; *Damyanti v. Union of India* AIR 1971 SC 840; See also Seervai, H.M., *Constitutional Law of India: - A Critical Commentary*, (Delhi: Universal Book Traders, 4<sup>th</sup> ed., 1999) Vol. 1 p. 807-808

<sup>43</sup>*Gian Kaur v. State of Punjab* AIR 1996 SC 946; *P Rathinam v. Union of India* (1994) 3 SCC 394 though P Rathinam was overruled by GianKaur, both the decisions laid down this above noted principle.- Quoting from Para 21 of the Gian Kaur judgment- " In those cases i.e. the freedoms under Article 19, the fundamental right is of a positive kind for example the freedom of association, freedom of speech, freedom of movement, freedom of business etc., which were held to include the negative aspect of there being no compulsion to exercise that right by doing the guaranteed positive act.... With respect and humility we find no similarity in the nature of the other rights such as the right to freedom of speech etc to provide a basis to hold that the right to life also includes the right to die."

<sup>44</sup>*Aboud v. Detroit Board of Education* 431 U.S. 209; *Riley v. National Federation of the Blind of North Carolina* 487 U.S. 781; *Wooley v. Maynard* 430 U.S. 705; *West Virginia State Board of Education v. Barnette* 319 U.S. 624; *Russo v. Central School District No.1* 411 U.S. 932; *International Dairy Foods Association v. Amestoy* 92 F.3d 67; *Mckinney v. Alabama* 424 U.S. 669

<sup>45</sup>G.P. Singh, *Principles of Statutory Interpretation*, (Wadhwa & Co., Nagpur, 9<sup>th</sup> edn., 2004) p.352

<sup>46</sup>*Union of India v. Naveen Jindal* MANU/SC/0072/2004 citation as given by Manupatra.com; In the absence of a specific 'law', any intrusion into fundamental rights must be struck down as constitutionally invidious – *Bennett Coleman v. Union of India* AIR 1973 SC 106; *Bishamber Dayal v. State of U.P.* (1982) 1 SCC 39; *Kharak Singh v. State of U.P.* AIR 1963 SC 1295; *Punit Rai v. Dinesh Chaudhary* (2003) 8 SCC 204; *Bijoe Emanuel v. State of Kerala* (1986) 3 SCC 619; *State of M.P. v. Thakur Bharat Singh* AIR 1967 SC 1170

<sup>47</sup>Supra note 36

<sup>48</sup>Supra note 37

<sup>49</sup>The Due Process Doctrine in simple words was that the determination of the legislature of what constitutes proper exercise of power is not final but is subject to supervision by Courts. – *Myer v. Nebraska* 262 U.S. 390. This doctrine initially came up in response to the arbitrary action of the legislature soon was applied even to arbitrary actions of the executive also.

the pillars of just fair and equity. Procedural Reasonableness is where the procedure exercised to impose restrictions on the Fundamental right is just, fair and reasonable. There is a Substantive and Procedural reasonableness violation for there is no Law as already noted which can regulate the act of the executive. Assuming and without conceding to the above argument even if a law exists this restriction is not reasonable for the mechanism employed is not reliable and has adverse side effects.<sup>50</sup> The truth serum cannot be relied upon as persons under the influence of drugs are very suggestible and may confess to crimes which they have not committed.<sup>51</sup>

Moreover it is essential to understand that one of the seminal rules of criminal jurisprudence is that the accused is not the object of criminal law but is a participant. He must, at all stages of the proceedings, remain capable of actually "conducting" the defence on the basis of equality with the prosecution. Such freedom precludes deliberate suspension of his consciousness for the purpose of exploring his unconscious.<sup>52</sup> Though under appropriate conditions his body may be subject to examination his freedom of mind and will with regard must be preserved.<sup>53</sup> If disallowed for then it would amount to negation of the principles of fair trial and derogation of the principle of equality enshrined under Article 14.

Finally the system that we have adopted is the system adversarial determination and not inquisitorial determination. The application of these tests would challenge the roots of the very system that we follow and would go on to make the accused the object of the criminal system. Hence leading to the problems already mentioned above.

**Conflicting interest of Individual and Society:** The present situation may remind us of the debate criminal law has always reminded us of, when the right against self incrimination has been raised, that the society is at loss by allowing a person to exercise his right against self incrimination. This conflict was identified by Krishna Iyer J<sup>54</sup> In the present case the Individual right would not be prevailing over social interest but would in fact be supplementing it for the following reasons:

There is no law which endows the state machinery with a guideline to act upon and if any fundamental right is violated, it would go against the basic feature of the Constitution. Eminent Jurist Palkhivala in the landmark case of *Kesavananda Bharati v. Union of India*<sup>55</sup> argued that the basic guarantee of fundamental rights elaborated under Part III of the Constitution forms a part of the basic structure.<sup>56</sup> These new investigating techniques derail the divine concept of Just, Fair and Reasonableness laid down by *Maneka Gandhi v. Union of India*.<sup>57</sup> When there are two conflicting principles of paramount importance, experience has told us that we follow the principle of harmonious construction whereby neither of the two conflicting interest be struck down. In the present incompatible playground, the individual would be the ultimate loser. He is being coerced to give personal knowledge away in a technique which has been considered unreliable world wide, which

---

<sup>50</sup>Prof. Chandra Sekharan, Truth About the Truth Technique, Vol.2 No. 1 Scholasticus Journal of National Law Univeristy, (December 2004) – The author, an leading expert in forensic science in this article of his has said that the truth drugs is nothing but psychotherapy while the patient is in a sleep like state induced by barbiturates or other drugs of releasing repressed feelings, thoughts or memories... It has life threatening side effects like circulatory depression, respiratory depression with apnoea and anaphylaxis. Its adverse effects on CNS may produce headache, retrograde amnesia, emergence delirium, prolonged somnolence and recovery.; Fred E Inabu, *Self Incrimination – What Can An Accused Person Be Compelled To Do*, 89 J.Crim. L. & Criminology 1329.; Robert Sadoff, *Child Abuse and Repressed Memory Testimony*, 1 Quinipiac Health L.J. 79;

<sup>51</sup>Jason R. Odesho, *Truth Or Dare?: Terrorism And "Truth Serum" In The Post-9/11 World*, 57 Stan. L. Rev. 209; MacDonald, *Truth Serum*, 46 J.Crim.L. 259

<sup>52</sup>See in this regard Judgment of Bundesgerichtshof (I. Strafsenat) 5 B.G.H. St 332 wherein the court held that the fundamental principle is that an accused is a party to a case and not the object and it's the courts duty to preserve his dignity.

<sup>53</sup>Helen Silving, *Testing of the Unconscious in Criminal Cases*, 69 Harv. L. Rev 683

<sup>54</sup>Supra note 4 at Para 15 and 34.

<sup>55</sup>AIR 1973 SC 1461

<sup>56</sup>Arvind P. Datar, *Constitution of India*, (Wadhwa and Company, Nagpur, 2002) p.

<sup>57</sup>Supra note 47



has been decried by International Conventions, which if allowed would leave the body with no brain to act on, a house but no walls to live in and a world with no liberty to rely upon.

The present criminal justice system is well designed. In weighing the interest of the accused who demands the application of the test against the social and individual interest in preserving the integrity of the defense, account must also be taken of the fact that, if existing rules are conscientiously observed, the accused need not prove his innocence, for the prosecution has the burden of establishing guilt beyond a reasonable doubt. There by if the investigating authority is systematic and regular with their home work nothing can prevent them from securing a prosecution.

The framework of the Constitution on a reading would indicate that it gives precedence to the rights of the individual. Examples of this are replete within the Constitution two monumental exemplars being Articles 359 and 31 C. Article 359 lays down that Articles 20 and 21 cannot be whittled down even during cases of emergency. So is the case with Article 31C which allows only the rights under Article 14 and 19 to be snatched away from an individual and not the rights under Article 21.

The tests which are conducted as already noted are known to have life threatening side effects. Once allowed and if it's found out that it is unreliable<sup>58</sup> and that it has acute side effects the court which should prevent injustice would actually be fostering it and would be an ignominy and infamy to the maxim *actus curiae neminem gravabit*.

This would change the entire criminal jurisprudence system from an adversarial system to that of an inquisitorial system.

This is a situation wherein we are trying to temporise between public interest and the individual interests. Administration of the Narco Analysis tests will be an attempt to do away with the Article 51A (b) and play a huge fraud on the Constitution in this manner. While interpreting myriad provisions of the Constitution it has been held that considerable thought also be given to the Fundamental Duties under Part IV A – Article 51A.<sup>59</sup> Only if the interest of the individual is fostered would it bolster ultimately the interest of society. In the absence of which it seeks to cause more harm to the society than the benefits which the society would gain in this manner.

## **CONCLUSION:**

The Narcoanalysis tests or the 'truth serum' tests have the obvious ability to affect a person, physically, as elucidated above. A person can go into a state of coma or even die if these tests are not administered properly. This is an infraction of the Right to Life and Personal Liberty, as under article 21 of the Constitution of India and a person cannot be 'forced' to give evidence against himself. The argument against this would be that these can be administered if the consent of the accused is obtained. To counter this, art. 21 would still be violated as the nature of these tests is such that it harms the physical health of the accused and would be a violation of human rights!

The Sections 160- 167 of Cr.P.C cannot be understood as law for this purpose for it does not say that the police can compel the accused to speak even on those aspects which would incriminate him, while, on the contrary, the sections mandate the investigating authorities to protect the rights of an accused privilege against self incrimination. This is not only a

---

<sup>58</sup>American court have deprecated these practices and have held them to be unreliable *Rogers v. Ritchmond* 81 S.Ct. 735; *U.S. v. Raddatz* 100 S.Ct.; *William Daubert v. Merrell Dow Pharmaceuticals* 509 U.S. 579. *Orange v. Commonwealth* 61 SE2d 267; *People v. McNicol* 100 Cal. App2d 554; *State v. Hudson* 289 SW 920; *People v. Cullen* 37 Cal2d 614

<sup>59</sup>*Union of India v. Naveen Jindal* MANU/SC/0072/2004 citation as given by Manupatra.com – "For the purpose of interpretation of the Constitutional scheme and for the purpose of maintaining a balance between the fundamental /legal rights of a citizen vis-à-vis, the regulatory measures both Part IV and Part IV A of the Constitution can be taken recourse to."; *Indian Handicraft Emporium and Ors. v. Union of India and Ors.* JT 2003 (7) SC 446, it was held: "The provisions of the statute are also required to be considered keeping in view Article 48-A and Article 51A of the Constitution of India."

case of violation of the fundamental rights of the petitioner but is also a case of *manifest error of law*.

Another practice is that, these tests are used only to supplement the already existing evidence but then again, this should not be at the cost of foregoing the basic rights of mankind. The law under s. 45 of the Indian Evidence Act, 1872 can also not stand here. Expert opinion can be sought but not in such a manner. Therefore, the rights of the accused should be taken into consideration and such a test should be banned from being administered.

Another argument would be that an innocent person ought to be protected when evidence is against him but then it is important to note that the truth serum test is not always accurate and has its own probability of being right. Therefore, this test cannot be relied upon to save the life of an 'innocent' person.

Therefore, it is our opinion that Narco analysis tests should not be conducted and that these tests, if administered, would violate a number of fundamental rights, and be a fraud on the Constitution of India.