

Relevancy of Narco Analysis Test under Article 20(3) of the Constitution of India

Dr. Krishna Mukund¹, Dr. Raghvendra Kumar Yadav²

¹Assistant Professor, Faculty of Legal Studies, Khwaja Moinuddin Chishti Language University, Lucknow, U.P. India

²Ph.D. (Law), University of Lucknow, Lucknow, UP, India

¹Email: krishnamukund@kmclu.ac.in

²Email: lawyerisman@gmail.com

ABSTRACT

The Narco Analysis Test, often viewed as a scientific tool for criminal investigation, raises significant constitutional and ethical concerns when examined through the lens of Article 20(3) of the Constitution of India, which guarantees protection against self-incrimination. While the test aims to assist law enforcement agencies in obtaining hidden truths from suspects or witnesses, it simultaneously challenges the fundamental right of an individual to remain silent. The involuntary nature of administering such a test questions whether the evidence obtained can truly be considered voluntary and thus admissible in a court of law. This tension between the interests of justice and individual liberty forms the central issue in assessing the constitutional validity of Narco Analysis in India. The debate surrounding the relevancy of the Narco Analysis Test reflects a broader conflict between state power and personal freedom in a democratic society. On one hand, investigative agencies argue that scientific techniques such as narco analysis aid in solving complex cases and serve the larger public interest. On the other hand, legal scholars and human rights advocates emphasise that any form of compelled testimony, even though scientific means, violates the spirit of constitutional protection under Article 20(3). Therefore, this article critically examines the legal, ethical, and judicial perspectives on the Narco Analysis Test, exploring whether its use can be harmonised with constitutional safeguards or if it stands as a violation of fundamental human rights.

Keywords: Narco Analysis Test, Article 20(3), Self-incrimination, Constitutional Validity, Human Rights.

Introduction

In the modern era of criminal investigation, scientific techniques have increasingly become integral to uncovering truth and administering justice. Among these methods, the *Narco Analysis Test*—a process that induces a semi-conscious state through the administration of certain drugs to elicit

information—has generated intense debate in legal and ethical circles. While proponents view it as a valuable investigative tool capable of revealing concealed facts, critics question its legality, reliability, and compatibility with fundamental rights. The debate becomes particularly significant when examined through the lens of **Article 20(3)** of the Indian Constitution, which safeguards individuals from being compelled to be witnesses against themselves. The tension between investigative efficiency and constitutional morality lies at the heart of this discourse.

The concept of Narco Analysis rests on the belief that a person under the influence of truth-inducing drugs is less capable of deception, thereby revealing facts that might otherwise remain hidden. In theory, such a technique appears to bridge gaps in criminal investigation, especially in cases where traditional methods fail. However, its practical implications go far beyond the pursuit of truth. The test involves the intrusion into an individual's mental and physical integrity, raising questions about free will, consent, and the sanctity of human dignity. Therefore, its application cannot be viewed merely as a matter of scientific progress but must be weighed against the foundational constitutional guarantees that protect citizens from state coercion. Article 20(3) of the Constitution enshrines a fundamental safeguard against self-incrimination, ensuring that no person accused of an offence shall be compelled to provide evidence against themselves. This provision reflects the broader constitutional commitment to fairness, justice, and the protection of individual liberty. When a suspect is subjected to Narco Analysis without their informed consent, it arguably violates this right by compelling a person to speak or act in a manner that could be used as evidence against them. Thus, the central legal question is whether the administration of such a test can be reconciled with the voluntary nature of testimony envisioned under Article 20(3).

The judiciary in India has played a crucial role in defining the boundaries of acceptable investigative practices within constitutional limits. Over time, courts have been tasked with balancing the need for effective crime control with the preservation of fundamental rights. The introduction of scientific tests like Narco Analysis, polygraph, and brain mapping has complicated this balance. While some have viewed these tools as legitimate aids to investigation, others have warned that such practices risk undermining the presumption of innocence and the dignity of the accused. The evolving judicial interpretation of Article 20(3) thus reflects the ongoing struggle between technological advancement and constitutional morality.

From an ethical standpoint, Narco Analysis challenges the very idea of personal autonomy. The process, by bypassing conscious control, strips an individual of their ability to make voluntary choices regarding what to disclose. In a democratic society founded on respect for human rights, such coercive methods raise grave ethical concerns. Even if the intention is to assist law enforcement, the end cannot justify the means when those means compromise human dignity and constitutional protections. Hence, the debate is not merely about investigative convenience but about the ethical limits of state authority in the pursuit of truth. Furthermore, the reliability of the information derived from Narco Analysis remains

deeply questionable. The semi-conscious state induced by the test can produce distorted or fabricated memories, rendering the statements made under its influence scientifically uncertain. The courts, therefore, face a dual challenge: ensuring that justice is served while also maintaining the integrity of the legal process. Any reliance on such uncertain evidence could not only lead to miscarriages of justice but also erode public confidence in the fairness of the legal system.

In this way we can say that, the relevancy of the Narco Analysis Test under Article 20(3) of the Constitution of India demands a holistic examination that goes beyond the confines of legal interpretation. It calls for an assessment of constitutional values, human dignity, scientific reliability, and ethical responsibility. As India continues to modernise its investigative framework, it must ensure that the tools employed by the state do not dilute the very principles upon which its democracy rests. The challenge, therefore, lies in finding a constitutional equilibrium where scientific innovation serves justice without violating individual rights.

Constitutional and Legal Dimensions

The constitutional foundation of India's criminal justice system is deeply rooted in the protection of individual rights, even when the state seeks to investigate and prosecute offences. **Article 20(3)** of the Constitution explicitly provides that "*no person accused of any offence shall be compelled to be a witness against himself.*" This clause embodies the principle of protection against self-incrimination, a right designed to prevent the abuse of power by the state and to ensure the fairness of criminal proceedings. When an individual is subjected to a Narco Analysis Test, the process involves compelling them to disclose information involuntarily, thus raising the question of whether such compulsion violates the constitutional guarantee of silence and personal liberty.

From a constitutional standpoint, the phrase "compelled to be a witness against himself" carries both physical and psychological dimensions. It is not limited to direct physical coercion but extends to any form of pressure or manipulation that deprives an individual of free will. In the case of Narco Analysis, the administration of a truth-inducing drug directly interferes with a person's mental faculties, reducing their ability to consciously control speech or thought. This intrusion into mental privacy arguably constitutes a form of psychological compulsion, which is incompatible with the spirit of Article 20(3). The constitutional protection, therefore, is not merely procedural but deeply rooted in the preservation of human dignity and autonomy.

The **right to personal liberty under Article 21** also plays a crucial role in this context. The right to life and personal liberty encompasses the right to privacy, bodily integrity, and mental freedom. When the state administers a Narco Analysis Test without consent, it violates these rights by intruding upon the individual's body and mind. Such an act challenges the constitutional balance between state interests and individual freedoms. Moreover, Article 21's guarantee that no person shall be deprived of life or liberty except according to "procedure established by law" implies that any such procedure must

be fair, reasonable, and just. A coerced medical procedure that overrides free will cannot be considered just within the meaning of this article.

The recognition of the **right to privacy** as a **fundamental right** in *Justice K.S. Puttaswamy v. Union of India* (2017) has profound implications for the constitutional validity of the **Narco Analysis Test**. The Supreme Court in that landmark case affirmed that privacy encompasses the right to control one's body, mind, and personal choices—elements that are essential to human dignity and autonomy. When an individual is subjected to a Narco Analysis Test without their free and informed consent, the state intrudes into both the physical and mental domains of that person, effectively stripping them of control over their thoughts and expressions. Such intrusion violates the core of the privacy right protected under **Article 21**. By chemically altering a person's consciousness to extract information, the state crosses the boundary between legitimate investigation and unconstitutional compulsion. Therefore, viewed through the lens of *Puttaswamy*, Narco Analysis represents an impermissible encroachment on mental and bodily privacy, conflicting with the very essence of personal liberty enshrined in the Constitution. The Constitution envisions dignity not as a privilege but as an inherent aspect of every individual's existence. By chemically manipulating a person's consciousness for the purpose of interrogation, the state effectively treats them as an object rather than as a rights-bearing individual. Such an approach contradicts the fundamental ethos of the Constitution, which prioritizes human dignity over state convenience in investigation. The same principle has influenced Indian jurisprudence, particularly through the decisions in *M.P. Sharma v. Satish Chandra* (1954) and *State of Bombay v. Kathi Kalu Oghad* (1961), where the Supreme Court clarified the scope of testimonial compulsion.

Legally, the admissibility of evidence obtained through Narco Analysis has been contentious. The Indian Evidence Act, 1872, requires that statements used in a court of law must be made voluntarily. If a confession or statement is extracted through compulsion, it is deemed inadmissible. Since Narco Analysis operates by suppressing a person's conscious resistance, the statements obtained are not voluntary and, therefore, conflict with the evidentiary standards established under law. Additionally, the reliability of such evidence is questionable, as the subject under sedation may fabricate or confuse facts, further weakening its legal validity. Thus, from both constitutional and evidentiary perspectives, Narco Analysis fails to satisfy the standards of admissibility and fairness. So that the legal relevance of Narco Analysis is thus limited and conditional. While it may aid investigation by uncovering clues, it cannot substitute or override the fundamental protections of the Constitution. Any evidence derived directly from the test remains inadmissible unless it independently meets the evidentiary requirements of voluntariness and reliability. The emphasis on informed consent and judicial supervision ensures that the process does not become an instrument of coercion or abuse in the hands of the state. Despite these judicial safeguards, practical implementation remains fraught with challenges. Questions persist about the genuineness of "voluntary consent" when given by an accused in custody, as the coercive atmosphere of criminal investigation often undermines free choice. Moreover,

the reliability of the test itself has been scientifically disputed, with medical experts asserting that subjects in a semi-conscious state may mix fact with fantasy or imagination. This casts further doubt on the test's constitutional and legal legitimacy.

In this way we can say that, the constitutional and legal dimensions surrounding Narco Analysis underscore a fundamental conflict between investigative necessity and individual rights. While the state may argue that such tests serve the public interest by aiding in crime detection, constitutional principles place clear limitations on how far the state can intrude into personal liberty. The protection under Article 20(3) acts as a constitutional shield that ensures justice is not achieved at the cost of human dignity. Therefore, unless the process is strictly voluntary and conducted with full awareness and consent, Narco Analysis cannot be reconciled with the constitutional values of fairness, freedom, and respect for the individual.

Judicial Perspective

The judiciary in India has played a pivotal role in determining the constitutional validity and legal acceptability of scientific investigative techniques such as the **Narco Analysis Test**. Courts have had to balance the needs of effective investigation with the preservation of individual rights guaranteed under the Constitution. Early judicial observations reflected a cautious optimism towards scientific methods that could assist in crime detection. However, as the ethical and constitutional implications of Narco Analysis became more apparent, the judiciary began to adopt a more rights-oriented approach. The central question before the courts has been whether compelling an accused to undergo such a procedure violates **Article 20(3)**, which protects against self-incrimination, and **Article 21**, which upholds personal liberty and dignity.

In *State of Bombay v. Kathi Kalu Oghad (1961)*, the Supreme Court of India laid down the foundational interpretation of **Article 20(3)** of the Constitution, which later became central to the debate on the constitutionality of the **Narco Analysis Test**. The Court clarified that the protection against self-incrimination extends only to **testimonial acts**, meaning those that involve conveying personal knowledge based on the exercise of mental faculties. It does not apply to the collection of physical evidence such as fingerprints or blood samples. This distinction is significant in assessing narco analysis, as the test directly involves the extraction of statements from the subject's mind through chemical means, thereby constituting a **testimonial act** rather than mere physical evidence. Hence, applying the principle of *Kathi Kalu Oghad*, it can be argued that compelling an individual to undergo narco analysis infringes the constitutional guarantee under Article 20(3), as it forces them to become a witness against themselves through involuntary disclosure of mental content.

The Supreme Court's judgment in *Selvi v. State of Karnataka (2010)* stands as the most authoritative pronouncement on the constitutional validity of the **Narco Analysis Test** in India. In this landmark case, the Court held that the **involuntary administration** of techniques such as narco

analysis, polygraph examination, and brain mapping violates the fundamental rights guaranteed under **Article 20(3)** and **Article 21** of the Constitution. The Court reasoned that compelling an individual to undergo such procedures amounts to **testimonial compulsion**, as the information extracted under the influence of drugs is not a product of free will. Moreover, it recognised that these tests intrude into an individual's **mental privacy and bodily integrity**, thereby breaching the right to personal liberty and dignity. The judgment established that while scientific aids to investigation can be valuable, their use must always respect constitutional boundaries. Thus, *Selvi* reaffirmed the principle that justice cannot be pursued by unconstitutional means, reinforcing the supremacy of human rights and voluntariness in criminal investigations.

High Courts across India have also echoed similar concerns, stressing that while the state's responsibility to maintain law and order is vital, it cannot come at the expense of constitutional freedoms. Judicial reasoning has consistently recognised that coercive methods of extracting information erode public confidence in the fairness of the justice system. Instead, courts have encouraged the use of investigative methods that respect human rights and operate within the constitutional framework. This progressive judicial stance reinforces the idea that the justice system must prioritise voluntary cooperation over forced compliance.

In essence, the judicial perspective on Narco Analysis reflects a commitment to upholding the **rule of law and constitutional morality**. The courts have clarified that no matter how advanced or efficient scientific techniques may appear, they cannot be permitted to compromise the core principles of liberty, dignity, and fairness. The judiciary's approach demonstrates that justice must not only be done but also be achieved through constitutionally sound means. The consistent emphasis on voluntariness, procedural fairness, and respect for human dignity ensures that the Indian legal system remains aligned with both the spirit and letter of the Constitution when addressing the relevancy of Narco Analysis under **Article 20(3)**. Overall, the judicial perspective on Narco Analysis in India emphasizes constitutional supremacy over investigative expediency. The courts have consistently prioritized individual rights, mental autonomy, and the principles of due process over the convenience of law enforcement agencies. The jurisprudence surrounding Article 20(3) and Narco Analysis underscores that justice in a constitutional democracy cannot be achieved through methods that undermine personal liberty or human dignity. The judiciary's firm stance ensures that while the pursuit of truth remains central to the criminal justice system, it must never come at the expense of the fundamental freedoms guaranteed by the Constitution.

Ethical and Human Rights Considerations

The **Narco Analysis Test**, though presented as a scientific tool to aid investigation, raises profound **ethical and human rights concerns** when viewed in the light of constitutional principles and international human dignity standards. The foremost ethical issue lies in the element of **consent and**

autonomy. Administering a chemical substance to alter a person's consciousness interferes with their free will and capacity to make voluntary decisions. This form of compulsion is ethically problematic because it treats the individual as a mere object of investigation rather than a human being entitled to dignity and respect. In a society governed by constitutional morality, no investigative technique can be justified if it compromises an individual's control over their body or mind. Hence, even if the intention behind narco analysis is to secure truth, its means often stand at odds with the ethical foundation of personal autonomy and integrity.

From a **human rights perspective**, the involuntary use of narco analysis amounts to a violation of the right to dignity, privacy, and protection against cruel or degrading treatment. Every person possesses an inherent right to mental and bodily integrity, which cannot be surrendered even in the interest of criminal justice. The process of chemically inducing a semi-conscious state not only invades the mental sphere but can also cause psychological trauma and physical harm. Such practices may contravene the spirit of international human rights instruments like the **Universal Declaration of Human Rights (UDHR)** and the **International Covenant on Civil and Political Rights (ICCPR)**, both of which emphasise the protection of personal liberty and freedom from coercion. Thus, from a human rights standpoint, the narco test appears to be a regressive practice inconsistent with the evolving standards of humane justice.

Ethically, the justification for narco analysis also fails when examined through the principle of **ends not justifying means**. The pursuit of truth or justice cannot override the fundamental obligation to respect individual rights. Any state action that undermines a person's mental freedom or bodily sanctity risks crossing the boundary between legitimate law enforcement and moral transgression. True justice, therefore, must be grounded not only in factual accuracy but also in fairness, consent, and respect for the human person. The ethical and human rights objections to narco analysis serve as a reminder that constitutional protections like **Article 20(3)** are not mere procedural barriers they are expressions of the moral conscience of a democratic society, ensuring that the power of the state remains subordinate to the dignity of the individual. The test also infringes upon the right to mental privacy and psychological integrity, which have been recognized as integral components of human dignity. By penetrating the subconscious mind and extracting information beyond the subject's conscious control, Narco Analysis intrudes into the most private sphere of human existence — one's thoughts. This not only violates the right to privacy under Article 21, as reinforced by the *Puttaswamy* judgment (2017), but also breaches the ethical boundary between permissible investigation and psychological coercion. Such intrusion reduces the human mind to a mere source of evidence, eroding the respect for individuality that underpins democratic governance.

Ultimately, the ethical and human rights implications of Narco Analysis underscore a profound tension between truth-seeking and human dignity. While the technique may serve as an investigative aid, its coercive and invasive nature conflicts with both constitutional morality and international human

rights standards. Ethical governance demands that the criminal justice system uphold the intrinsic worth of every individual, even in the face of grave crime. Therefore, the continued use of Narco Analysis without robust safeguards and genuine consent cannot be ethically or constitutionally justified. A humane justice system must balance the quest for truth with unwavering respect for the rights and dignity of those it governs.

Conclusion

The debate surrounding the Narco Analysis Test under Article 20(3) of the Indian Constitution highlights a complex conflict between the needs of effective law enforcement and the protection of fundamental rights. While the technique may appear to enhance investigative efficiency, its coercive nature directly contradicts the constitutional guarantee against self-incrimination. The framers of the Constitution envisioned Article 20(3) as a shield protecting individuals from being compelled to provide evidence against themselves, ensuring that justice is achieved through fair means, not through forced confessions or psychological manipulation. The involuntary use of Narco Analysis undermines this principle, eroding the sanctity of voluntary testimony and procedural fairness. The judiciary, through landmark rulings such as *Selvi & Others v. State of Karnataka* (2010), has taken a principled stand to uphold the supremacy of constitutional rights over investigatory convenience. The Supreme Court made it clear that any procedure that compels an accused to disclose information without consent violates both Articles 20(3) and 21. Even though the Court allowed the test to be conducted voluntarily, it placed stringent safeguards around consent and admissibility, rendering its practical use severely limited. The judicial approach thus strikes a delicate balance between scientific advancement and constitutional morality, emphasizing that investigative innovation cannot override individual freedoms.

From an ethical and human rights standpoint, Narco Analysis represents a troubling intrusion into human consciousness and personal autonomy. The test disregards the ethical requirement of informed consent and the international human rights standards that prohibit coercive medical or psychological procedures. Subjecting individuals to such invasive methods compromises the dignity and privacy that form the essence of Article 21. The very notion of justice loses meaning when truth is pursued through methods that violate the core of human dignity and freedom of thought. So that, while the Narco Analysis Test may serve as a tool of investigation, its relevancy under Article 20(3) remains constitutionally constrained and ethically suspect. The criminal justice system must prioritize the protection of fundamental rights over expedient truth-finding mechanisms. As India advances technologically, it must remain anchored in the constitutional values of liberty, dignity, and fairness. A justice system rooted in coercion cannot claim legitimacy; true justice can only prevail when the state respects both the rule of law and the inviolable autonomy of the human mind.

References

- [1]. The Constitution of India, Articles 20(3) and 21.
- [2]. *State of Bombay v. Kathi Kalu Oghad*, AIR 1961 SC 1808.
- [3]. *Selvi & Others v. State of Karnataka*, (2010) 7 SCC 263.
- [4]. *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.
- [5]. *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.
- [6]. *Raja Ram v. State of Uttar Pradesh*, 2012 SCC OnLine All 2371.
- [7]. *Smt. Selvi J. v. State of Karnataka*, 2013 SCC OnLine Kar 5174.
- [8]. Universal Declaration of Human Rights, 1948.
- [9]. International Covenant on Civil and Political Rights (ICCPR), 1966, Article 7.
- [10]. Basu, D.D. *Commentary on the Constitution of India*, LexisNexis, 2021.
- [11]. Bhatia, Gautam. *The Transformative Constitution: A Radical Biography in Nine Acts*, HarperCollins, 2019.
- [12]. Sec. 23 (2) of Bharateey Saksya Adhinyam, 2023– “Provided that, when any fact is deposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a police officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved.”
- [13]. Rai, Supriya, Narcoanalysis test and Constitutional Imperatives, From The lawyers collective, Feb. 2005, p21
- [14]. Sharma, B.R., *Scientific Criminal Investigation*, ed. 2006, Universal Law Publishing, New Delhi, p60-61

Cite this Article

Dr. Krishna Mukund, Dr. Raghvendra Kumar Yadav, “Relevancy of Narco Analysis Test under Article 20(3) of the Constitution of India”, *International Journal of Multidisciplinary Research in Arts, Science and Technology (IJMRAST)*, ISSN: 2584-0231, Volume 3, Issue 9, pp. 54-62, September 2025.

Journal URL: <https://ijmrast.com/> DOI: <https://doi.org/10.61778/ijmrast.v3i9.188>



This work is licensed under a [Creative Commons Attribution-NonCommercial 4.0 International License](https://creativecommons.org/licenses/by-nc/4.0/).