

Supreme Court Declares Forced Narco Test Unconstitutional

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Narco Test Latest News

- The Supreme Court has set aside a Patna High Court order permitting an involuntary narco test in **Amlesh Kumar v. State of Bihar** (2025).

Understanding Narco Analysis in Criminal Investigations

- A narco test involves administering sedatives such as **Sodium Pentothal**, classified under barbiturates, to suppress an individual's inhibitions and enhance the likelihood of divulging information.
- The technique functions similarly to polygraph tests and brain mapping, aiming to extract concealed facts by reducing conscious control.
- However, despite being non-violent, narco analysis interferes with cognitive autonomy and has been a subject of constitutional scrutiny.

Constitutional Protection and Why Narco Tests Raise Concerns

- **Right Against Self-Incrimination (Article 20(3))**

- Article 20(3) protects an accused from being compelled to provide testimonial evidence against themselves.
- Any involuntary narco test breaches this protection by forcing the individual to speak in a drug-induced state, thereby suppressing free will.
- The Court clarified that without free, informed consent, any statement or information obtained from narco analysis is inadmissible as evidence.

- **Personal Liberty and Privacy (Article 21)**

- Article 21 covers the right to life and personal liberty, which includes physical autonomy and mental privacy.
- The judgment reiterates that forced narco testing violates the right to Privacy & Personal autonomy.

- **‘Procedure established by law’ requirement**, meaning any investigative procedure must be fair, just and reasonable.

- The Court linked this to the **Golden Triangle** of Articles 14, 19, and 21, an essential framework that safeguards constitutional liberties as established in ***Maneka Gandhi v. Union of India (1978)***.

Judicial Precedents Governing Narco Tests

- **Selvi v. State of Karnataka (2010)**

- This landmark case prohibited the involuntary administration of narco tests, polygraph tests, and brain mapping. It mandated that:
 - Consent must be free, informed, and recorded before a magistrate.
 - Medical and legal safeguards must be strictly followed.
 - Test results have no standalone evidentiary value and must be corroborated.
- The Patna High Court order was struck down because it contradicted these binding guidelines.
- Courts have consistently held *Manoj Kumar Saini v. State of MP (2023)* & *Vinobhai v. State of Kerala (2025)*.
- Both cases reaffirm that narco test results cannot directly confirm guilt; they may only aid investigations and must always be corroborated with independent evidence.

Consent and Ethical Principles in Criminal Justice

- **Importance of Informed Consent**

- The Supreme Court stressed that narco tests can be conducted only when the accused requests or agrees to undergo such testing.
- Testing at the stage of defence evidence may be permitted under Section 253 of the **Bharatiya Nyaya Sanhita** (BNS), but even then, there is no absolute right to demand the test.

- **Ethical Foundations**

- The Court referenced philosophical principles of autonomy, particularly Kantian ethics, which emphasise that an act is ethical only when performed with consent. Forced narco analysis violates:
 - Human dignity

- Bodily integrity
- Natural justice principles
- Thus, ethical considerations reinforce the constitutional bar on involuntary tests.

Implications for India's Criminal Justice System

- **Strengthening Rights-Based Policing**

- The ruling strengthens procedural fairness and reinforces that investigative efficiency cannot override fundamental rights.

- **Balancing Victims' Rights and Accused Rights**

- While investigation agencies seek tools to expedite probe outcomes, the judiciary has reaffirmed that constitutional morality must guide criminal justice.

- **Reasserting Judicial Consistency**

- By relying on *Selvi (2010)* and subsequent cases, the Court reinforces stability and predictability in criminal jurisprudence, crucial for legal integrity and protection of civil liberties.

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