



Polygraph Test

For Prelims: [Polygraph Test](#), [Central Bureau of Investigation \(CBI\)](#), [Narco-Analysis Test](#), [National Human Rights Commission \(NHRC\)](#)

For Mains: About Polygraph, Narco Test, Legal Implications, Related Court Judgments, Challenges in Implementations and Way Forward

[Source: ET](#)

Why in News?

Recently, the [Central Bureau of Investigation \(CBI\)](#) has been authorised to perform a **polygraph test** on the key suspect in the rape and murder case of a postgraduate doctor at Kolkata Medical College.

- The polygraph test will help investigators check the consistency of the suspect's statements and identify potential deception.

What is a Polygraph Test?


- **About:**
 - **Polygraph** or **Lie Detector Test** is a procedure that measures and records several **physiological indicators** such as **blood pressure, pulse, respiration, and skin conductivity** while a person is asked and answers a series of questions.
 - This test is based on the **assumption that physiological responses** that are triggered when a person is **lying** are **different** from what they would be otherwise.
 - A **numerical value** is assigned to each response to conclude whether the person is telling the truth, is deceiving, or is uncertain.
 - A test similar to polygraph was **first done in the 19th century** by the **Italian criminologist Cesare Lombroso**, who used a machine to measure changes in the **blood pressure** of criminal suspects during interrogation.
- **Different From Narco-Analysis Test:**
 - A narco analysis test involves injecting **sodium pentothal** into the accused, inducing a **hypnotic or sedated state** that supposedly neutralises their imagination.
 - In this state, the individual is considered **incapable of lying** and is expected to reveal truthful information.
- **Accuracy of Tests:**
 - Polygraph and narco tests are **not scientifically proven to be 100% accurate** and remain controversial in the medical field.
 - Despite this, investigative agencies have recently used these tests as a "**softer alternative**" to torture to extract the truth from suspects.

Note:

- **Brain Mapping:** It is a test that uses imaging to study the **brain's anatomy and function**. It can

help doctors determine if brain function is normal, and identify areas of the brain that control movement, speech, and vision.

WHAT IS BRAIN MAPPING



- Machines used to study the areas of the brain for activity on specific subjects
- Objective is to reveal 'guilty knowledge'
- Subject doesn't need to give oral answers to questions, his brain's response is picked and analysed
- Brain mapping cannot find out what the lie is or what information is stored in subject's brain

Results can only aid in probe, have no legal sanctity

THE PROCESS

- Subject is asked to sit down and close his eyes
- Electrodes are placed over the scalp and connected to the neuroscanning system
- Subject told to listen to words presented in auditory mode
- Result aimed at ascertaining if subject has knowledge of the crime or any aspect of it

What is the Legal Admissibility of a Polygraph Test?

- **Violation of Article 20(3): Polygraph, narco-analysis, and brain mapping tests** conducted **without the accused's consent** violate [Article 20\(3\)](#) of the Indian Constitution, which protects the **right against self-incrimination**.
 - This article ensures that **no person accused of an offence is compelled** to be a witness against themselves.
- **Necessity of Consent:** As these tests involve the accused providing potentially **self-incriminating information**, obtaining their **consent is mandatory** to avoid breaching constitutional rights.
- **Judicial and Human Rights Concerns:** The use of narco-analysis and similar tests raises **significant concerns about judicial integrity and human rights**, particularly regarding individual rights and freedoms.
- **Criticism from Courts:** Courts have often criticised these tests as they can constitute mental torture, **violating the right to life and privacy** guaranteed under [Article 21](#) of the Constitution.

What are the Landmark Judgments Related to Polygraph Tests?

- **Selvi v. State of Karnataka & Anr Case 2010:** The SC ruled on the **legality and admissibility of narco tests** establishing that the **involuntary administration of narco or lie detector tests** constitutes an **intrusion into an individual's "mental privacy."**
 - The apex court held that narco tests **violate the fundamental right against self-incrimination under [Article 20\(3\)](#)** of the Constitution, which states that no person accused of any offence shall be compelled to be a witness against himself.

- **Self-incrimination** is a legal principle under which a person cannot be compelled to provide information or testify against themselves in a criminal case.
- **D.K. Basu v. State of West Bengal case, 1997: The SC ruled that involuntary administration of the polygraph and narcos test will amount to cruel, inhuman, and degrading treatment in the context of [Article 21](#) or the Right to Life and Liberty.**
- **State of Bombay v. Kathi Kalu Oghad, 1961**, the Supreme Court of India ruled that the **right against self-incrimination under Article 20(3)** of the Constitution **does not extend** to the **physical evidence** (like fingerprints, handwriting, blood, and voice samples), **voluntarily given information** and **identification procedures** (like line-ups and photo arrays).
- **Other Observations of the SC: Narco tests are not reliable or conclusive as evidence, as they are based on assumptions and probabilities.**
 - Any information or material that is subsequently discovered with the help of voluntarily administered test results can be admitted, under **Section 27** of the Evidence Act, 1872 (now **[Bharatiya Sakshya Adhiniyam](#)**).
 - Section 27 of the Indian Evidence Act, 1872, allows the **admissibility of information provided by an accused in police custody** if it leads to the discovery of a fact.
 - Only the portion of the information that **directly relates to the discovered fact** can be proved, regardless of whether it amounts to a confession.
 - The court also emphasised that the **‘Guidelines for the Administration of Polygraph Test on an Accused’**, published by the **[National Human Rights Commission \(NHRC\)](#)** in 2000, **must be strictly followed.**

NHRC Guidelines of Polygraph Test

- **Voluntary Consent:** The accused must willingly **agree to undergo the polygraph test**, with the option to refuse.
- **Informed Consent:** Before agreeing, the **accused should be fully informed by the police and their lawyer** about the test's purpose, procedure, and legal consequences.
- **Recorded Consent:** The accused's consent must be **formally recorded in the presence of a Judicial Magistrate.**
- **Documentation:** During court proceedings, the **police must provide evidence that the accused voluntarily agreed to the test**, which is documented by the lawyer and presented to the judge.
- **Clarification of Statements:** The accused should be made aware that any statements made during the **polygraph test are treated as statements to the police, not as confessions.**
- **Judicial Consideration:** Judges consider various factors, such as the **length of the accused's detention and the nature of the interrogation**, when evaluating the results of a polygraph test.

Drishti Mains Test:

What is a Polygraph Test? Discuss the significance of polygraph tests in criminal investigations