

## Corporates make staff take lie-detection tests

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MUMBAI: Truth is in demand. Especially in the corporate world.

In order to deal with cases of espionage, frauds and fake CVs, business houses are turning to their new best friend — the polygraph machine. Many firms are now approaching private forensic laboratories to conduct polygraph (lie-detection) tests on employees for various reasons.



### 'IT'S UNCONSTITUTIONAL'

ON MAY 5, 2010, the Supreme Court had ruled that compulsory brain mapping, narco-analysis and lie detector tests are unconstitutional as they violate individual rights.

ILLUSTRATION: ABHIMANYU SINHA

Take for instance the case of a Maharashtra-based factory that was gutted a few months ago. Suspecting an insider's involvement, the insurance

company referred 10 employees of the factory to a private lab in Mumbai for polygraph test. The results revealed that two of them knew the exact cause of the

fire. End result: the insurance claim was rejected.

"Polygraph can be used in a corporate setup to check thefts in the organisation, leakage of confidential information to competitors, or even to verify sexual harassment allegations," Rukmani Krishnamurthy, CEO, Hellix advisory, a Mumbai-based private forensic laboratory, said, adding that the test costs anything between Rs10,000 and Rs50,000.

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Similarly, when a multinational company headquartered in New Delhi suspected that a top-level executive was leaking sensitive company information to the competitors, he was subjected to a polygraph examination. The result confirmed the suspicion, resulting in the sacking of the employee.

In another incident, an employee of an MNC in Mumbai alleged that her colleague molested her during an office party. The HR department referred the case to a private forensic laboratory and a polygraph test was conducted. The employee accused of harassment "moved on" soon after for

"better opportunities".

While such 'moment of truth' checks seem to be a growing trend in the corporate sector, subjecting an employee to a polygraph test might give rise to legal tangles. "As per law, the laboratory conducting the test has to ensure the subjects have voluntarily given their consent in writing and also ensure they are mentally fit to undergo the test," said Krishnamurthy, who is the former director of Maharashtra Forensic Science Lab.

But what if the employee is not in a position to refuse to undergo the test? "If there is any indication of direct or indirect coercion on part of the employer, then it becomes illegal and the guilty

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YP SINGH  
lawyer

party can be booked under section 341 of the Indian Penal Code that stands for punishment for wrongful restraint," said IPS officer-turned-lawyer YP Singh. "In case an employee is sacked because of the test, he has the civil remedy whereby he can sue the employer for defamation."

Rise in number of forensic laboratories in metros such as New Delhi, Hyderabad, Chennai and Bangalore has been handy for

corporates. For instance, Truth Labs, the country's first private forensic service provider, has been in the business since 2009.

Private laboratories claim two to three companies approach them and about 10-15 people undergo tests every month.

While private labs are flourishing the case isn't the same with government ones. An official from the Maharashtra Forensic Science Laboratory said, "We have not conducted a lie-detector test for the past five to six months. Since the Supreme Court ruling in May 2010, which held that lie-detection tests can be administered only with the consent of the accused, the number of cases has reduced drastically."