

The Lacuna in Understanding of Forensic Science amongst Law Practitioners in India

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Abstract : Forensic science uses all branches of science for criminal investigation and trial and has increasingly emerged as an important tool in the administration of justice. However, the growth and development of this field in India has not been as rapid or widespread as compared to the more developed Western countries. For successful administration of justice, it is important that all agencies involved in law enforcement adopt an inter-professional approach towards forensic science, which is presently lacking. In light of the alarmingly high average acquittal rate in India, this study aims to examine the lack of understanding and appreciation of the importance and scope of forensic evidence and expert opinions amongst law professionals such as lawyers and judges. Based on a study of trial court cases from Delhi and surrounding areas, the study underline the areas in forensics where the criminal justice system has noticeably erred. Using this information, the authors examine the extent of forensic understanding amongst legal professionals and attempt to conclusively identify the areas in which they need further appraisal. A cross-sectional study done using a structured questionnaire was conducted amongst law professionals across age, gender, type and years of experience in court, to determine their understanding of DNA, fingerprints and other interdisciplinary scientific materials used as forensic evidence. In our study, we understand the levels of understanding amongst lawyers with regards to DNA and fingerprint evidence, and how it affects trial outcomes. We also aim to understand the factors that prevent credible and advanced awareness amongst legal personnel, amongst others. The survey identified the areas in modern and advanced forensics, such as forensic entomology, anthropology, cybercrime etc., in which Indian legal professionals are yet to attain a functional understanding. It also brings to light, what is commonly termed as the 'CSI-effect' in the Western courtrooms, and provides scope to study the existence of this phenomenon and its effects on the Indian courts and their judgements. This study highlighted the prevalence of unchallenged expert testimony presented by the prosecution in criminal trials and impressed upon the judicial system the need for independent analysis and evaluation of the scientist's data and/or testimony by the defense. Overall, this study aims to define a clearer and rigid understanding of why legal professionals should have basic understanding of the interdisciplinary nature of forensic sciences. Based on the aforementioned findings, the author suggests various measures by which judges and lawyers might obtain an extensive knowledge of the advances and promising potentialities of forensic science. This includes promoting a forensic curriculum in legal studies at Bachelor's and Master's level as well as in mid-career professional courses. Formation of forensic-legal consultancies, in consultation with the Department of Justice, will not only assist in training police, military and law personnel but will also encourage legal research in this field. These suggestions also aim to bridge the communication gap that presently exists between law practitioners, forensic scientists and the general community's awareness of the criminal justice system.

Keywords : forensic science, Indian legal professionals, interdisciplinary awareness, legal education

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