



## Understanding the forensic testing and screening processes in criminal justice delivery system in India

<sup>1</sup>Prodipta Barman and <sup>2</sup>Dr. Vikash Kumar

<sup>1</sup>Research Scholar, Department of Law, Chaudhary Charan Singh University Meerut, Uttar Pradesh, India

<sup>2</sup>Professor, Department of Law, Chaudhary Charan Singh University Meerut, Uttar Pradesh, India

Corresponding Author: Prodipta Barman

### Abstract

The idea of crime is very old in the globe and has developed alongside human evolution. Generally speaking, when humans began to live in societies, needs were created as humanity evolved. A list of do's and don'ts was established for the populace in order to grant equality of rights and respect from society. It was noted and assessed that everyone in the society complied with the established standards of behavior; in the event that someone did not, the rules were enforced harshly to preserve the community free from evil. As a result, this idea developed into the process of looking into crimes and discovering how they were handled, which eventually helped establish the framework for numerous institutions that deal with trials and investigations in order to fairly administer justice to all. Many justice delivery systems are built around the evaluation of the truth and the determination of whether the victim is speaking the truth or is making false accusations out of malice. Before punishing any criminal, the testimony of the "eyewitness" was deemed crucial yet untrustworthy. It was found that in many instances, eyewitnesses were ineffective when coerced into making false statements or denying anything under duress from threats to their lives or financial inducements. As a result, these witnesses lost credibility in court and should not be fully trusted before determining a person's guilt. In addition, the criminal investigators used "third degree methods" on the perpetrators in an attempt to coax or uncover the truth from them. However, because of the shifting cultural norms and values, the methods used were deemed cruel and inhumane, violating established laws and human rights principles. As a result, innocent people frequently pay a heavy price, sometimes even losing their lives. With time and numerous scientific and technological advancements, criminal investigations also began utilizing cutting-edge scientific methods that helped solve cases quickly and reliably.

**Keywords:** Crime, inhumane, violating, eyewitnesses, community

### 1. Introduction

Over the past 25 years, the forensic sciences have significantly advanced science by developing new instruments, databases of tangible evidence, DNA typing, and other methods for evaluating the handling of criminal cases. In 2006, the National Institute of Justice funded a project that aimed to improve forensic science by addressing four main goals. These included describing and cataloging the various types of evidence that were collected during crime scenes, maintaining a system that could track the use and attrition of forensic evidence, including laboratory analysis and justice processes, estimating the percentage of crime scenes where one or more forensic evidences are collected, and classifying and categorizing frequently occurring forms of forensic evidence that contributed to successful case outcomes. In the end, this will assist in building a suitable database bank, which will be useful in subsequent situations. The forensics team plays a variety of

duties and responsibilities to solve cases and provide further support in securing just and timely justice.

Criminal investigations would not be complete without forensic science, which is regarded as one of the key pieces of a puzzle. If forensic science were not relevant in the legal system, it would be challenging to obtain fair justice in cases when there are no eyewitnesses or alibi. In addition to the several law enforcement agencies and detectives who are always gathering physical or digital evidence of criminal activity, the forensic department assists them in analyzing this evidence so that it can be admitted into evidence in court. Therefore, it would be evident that all of the criminals, thieves, drug dealers, rapists, and murders would be at large and unpunished if forensic science didn't operate as it should. It is imperative that forensic scientists carry out their meticulous examinations without allowing any evidence to be tampered with or tainted.

## 1.2 Significance of study

A technology-based investigative approach called forensic science aids in the logical and reasonable resolution of complex situations. To obtain crucial evidence against the accused, it involves utilizing several procedures like DNA profiling, narco testing, fingerprint testing, blood testing, and hair testing. The study covered information on forensic science and criminalistics as well as the function of forensic evidence in the administration of criminal justice. The study looked at how forensic evidence aids in the investigation of rape, murder, drug-related crimes, and civil situations. The study has also covered the facts surrounding the significance of forensic evidence in criminal cases in India. Critical situations are resolved logically and rationally when forensic evidence is used in criminal trials. However, due to limitations imposed by Article 20(3) of the Indian Constitution, forensic evidence is not used as frequently in the Indian court system. It lengthens the case's trial and decreases the use of forensic evidence in India's criminal proceedings. In order to ensure uniformity in the forensic inquiry process, the regulatory body established organizations like the Indian Forensic Organization (IFO). It will improve the investigation process and the utilization of forensic evidence in India's criminal case resolution.

## 1.3 Scope of study

The study will be helpful later on since it offers insightful knowledge about forensic science and criminalistics and how they relate to the criminal justice system. The study also offers in-depth knowledge of the significance of forensic evidence in Indian criminal trials as well as the limitations placed on its application in Indian legal proceedings. The research has also covered information on comparative studies of the criminal justice systems in other nations and facts pertaining to the legal provisions that support criminal investigations. Scholars and researchers working on related subjects will find value in the current research. The primary justification for this is that they will be able to use trustworthy references from the study to carry out their own research. Policymakers, law enforcement officials, and attorneys would also benefit from the current research since it will provide them with pertinent knowledge regarding the limitations of forensic science in the Indian legal system. Additionally, the study will offer pertinent details regarding the forensic examination procedure that other nations employ as well as suggestions for enhancing Indian forensic investigation methods.

## 2. Aim and objectives of study

1. To draw attention to the legal provisions that facilitate criminal investigations.
2. To investigate the limited application of forensic evidence in Indian legal contexts.

## 3. Materials and Methods

This study used a positivistic and interpretive research paradigm that was based on text analysis and observation. This study adopted a critical stance toward all extant literature on forensic evidence and its relationship to judicial decision-making, as well as the laws of the United States, the United Kingdom, India, and other countries. This thesis's primary theoretical tenet was an analysis of how courts in

developed nations handle criminal cases and how those approaches contrast and overlap with those in India. The research is mostly analytical in nature, and doctrinal technique has been used. As the research's title suggests, the study was only made possible by the analytical examination of a small number of cases and the observations made by the Honorable Supreme Court and the Honorable High Court in chronological order. It also evaluated and explored the benefits and drawbacks of the criminal justice system's reliance on forensic evidence by incorporating thought-provoking ideas. Also examined were landmark instances that altered the legal framework governing the admission or rejection of forensic evidence in court. Even so, case law is distinct from statute law, but when combined with statute law can occasionally be regarded as the main source of law, particularly in cases where the Supreme Court renders judgments. Interpreting statutes is a fundamental component of the common law system, and case law research is a crucial step in the legal research process. A law known as case law is derived from the public rulings of judges in cases that they preside over. The pertinent case facts and the applicable legal reasoning are laid out by the judges in their rulings. There is a hierarchy of authority in decisions under common law. Judges' reported decisions constitute a significant portion of the law since those rendered by higher courts set precedents that lower courts must abide by.

## 4. Results and Discussion

According to the National Crime Records Bureau (NCRB/Ministry of Home Affairs) annual report, 20,587 people died as a result of poisoning in 2014. This represents a rate of about 4.6% of all reported accidental deaths, which is fortunately far lower than the previous few years' figures. Even still, the worrying increase in instances consistently causes the public authorities to become stressed.

As is evident, Medico-Legal Aspects of the harmful effects of synthetic chemicals on humans are managed by Forensic Toxicology. The word 'Lawful' explains away how clearly the law has invaded the field of toxicology.

A number of legal measures to regulate and govern the manufacture, distribution, transportation, and ownership of drugs and poisons have been passed. As ancient as human civilization appears to be, poisoning has always existed. According to all accounts, the first law pertaining to toxic substances was written by Lex Cornelia in 82 BC. This law eventually became an administrative decree targeting careless pharmaceutical packaging. A number of the major issues related to toxic substances and how they are handled or abused exist in India and have been covered in this course.

### 4.1 The Poison Act, 1919

This Act was repealed in 1960 after being modified in 1958. It oversees the import of toxic materials into India, the granting of ownership permits for designated toxins, and the restrictions on the sale of these materials-which are typically synthetics-as toxins, over which control measures must be established.

### 4.2 Medications and Cosmetics Act, 1940

This Act is now referred to as the Medications and Cosmetics (Amendment) Act, 2008, having undergone

changes in 1964 and as recently as 2008. Apart from cosmetics, it oversees the import, manufacturing, distribution, and sale of a broad variety of pharmaceuticals, including Allopathic, Ayurvedic, Unani, Siddha, and so forth. As per the Act, any restricted or licensed restorative arrangement must display the holder's name together with the particular equation or a list of the fixings. The modified Act has increased the severity of punishment for several infractions, such as providing false prescriptions, tampering with pharmaceuticals and cosmetics, contaminating food with poison, and so on.

#### 4.3 The Drugs and Cosmetics Rules, 1945

This is a section of the Drugs and Cosmetics Act of 1940 and, in addition to exercising control over the preparation, distribution, and disposal of pharmaceuticals and cosmetics, it deals broadly with the type and standard of medications. It was updated in 1988 and is presently referred to as the 1988 Drugs and Cosmetics Regulations (Eighth Amendment), 1988.

Allopathic, homeopathic, ayurveda, unani, and siddha classes of drugs used in therapy have been included. It is mandatory for all pharmaceuticals and cosmetics to be presented in a proper manner. In order to advise the federal and state governments on specific matters related to drug control, the following Boards have been established:

1. The Technical Advisory Board on Drugs,
2. The Technical Advisory Boards for Ayurveda and Unani,
3. The Committee for Drug Consultation.

In order to make it easier to evaluate or test medicine tests and assess their level of quality, the Central In 1962, the Drugs Testing Laboratory (CDTL) was established. Drug Control Laboratories have also been established by individual states. Strict guidelines have been established for the packaging, loading, and distribution of subpar or fraudulent drugs.

#### 4.4 The Pharmacy Act, 1948

This rule's objective is to limit the number of enlisted drug specialists who are able to plan, mix, compound, or deliver medications under a registered medical practitioner's supervision.

This Act established the Pharmacy Council of India, New Delhi, a division of Health and Family Welfare, to oversee drugstore investigations across the nation. State Pharmacy Councils are established by each state to oversee the enrollment of drug experts.

#### 4.5 The Drug Control Act, 1950

This Act regulates the distribution and storage of pharmaceuticals and also instructs the producer or vendor to set the highest possible price for each drug.

#### 4.6 The Drug and Magic Remedies (Objectionable Advertisement) Act, 1954

The purpose of this Act is to guarantee that pharmaceutical manufacturers adhere to moral standards when promoting their products. Under this Act, advertisements that violate fairness or ethical standards may be prohibited. The Medicinal and Toilet planning (Excise Duty) Act and Rules,

1955 This organization handles administrative issues arising out of the use of alcohol in therapeutic and latrine arrangements. Additionally, those that guarantee mystical powers for specific medications, such as upgrade of intensity, solution for serious illnesses, and so forth, are considered supernatural cures. Due to varying extract obligations in different states, it has much helped to diminish the huge scope with which buried state handling with alcoholic restorative and latrine arrangements existed previously. This Act has made consistent obligation pacing suitable across the nation.

In order to implement the provisions of the Vienna Conventions on Psychotropic Substances (1971) and the Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988), the Narcotic Drugs and Psychotropic Substances (NDPS) Act was approved in India and subsequently modified in 1988.

#### 5. Conclusion

In India, forensic evidence is essential to the criminal justice system. It offers an impartial and scientific foundation for determining a suspect's guilt or innocence, locating criminals, and establishing the case's facts. In addition to helping to guarantee that justice is done, the inclusion of forensic evidence in criminal cases encourages accountability and transparency in the criminal justice system.

However, forensic evidence in India confronts a number of difficulties, such as a lack of infrastructure and resources, a lack of standardization in forensic practices and standards, and a lack of public and law enforcement agency awareness. In order to guarantee that forensic evidence maintains its pivotal position in India's criminal justice system, it will be imperative to tackle these obstacles.

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