

Forensic Techniques: An Essentiality for Existing Criminal Justice System

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Abstract

Law Governing Forensic Techniques and the Admissibility of Modern Techniques in India is very important in today's context. It is also important to talk about the Effective model of Criminal Justice System which is one of the basic and essential aspects for the existence of the peaceful society. In India even by after a century we are substantially relying of the substantive and procedural criminal laws enacted in the British era. But by the passage of time criminals have changed the method of commencing crime. They are using their intelligence immensely for the wrong doing and cannot be tamed effectively in the technologically advanced era with old practices. This paper deals with the rising need of adopting new scientific techniques of criminal investigation in the background of their authenticity, utility and constitutionality. The emphasis is on understanding the Necessity of Application of Forensic Science.

Key Words:- *Forensic technique, DNA Testing, DNA Profiling, Narco-Analysis, Criminal system.*

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Introduction

A peaceful society is a dream of every law abiding citizen but the violation of this right by miscreants cannot be denied. Law should always be ready to take up such challenges to ensure law and order in the society. In this regard the observation of Justice Salmon, in the case of *Jennison v. Baker*¹ is so relevant where he says -“Law should not sit limply, while those who defy it go free and those who seek its protection lose hope”.

An effective Criminal Justice System is the need of hour for every country and for every civilized society. But the present Criminal Justice System of India is facing serious challenges in the changing socioeconomic scenario. Specially after the liberalization of 1991 new types of challenges are being faced due to technological advancements. But the Indian Criminal Justice System which was created more than a century away is not able to face these new challenges efficiently. Though the modification of existing substantive and procedural laws are immensely required but then too we are largely relying upon old legislations and techniques of criminal investigations. India is among those countries which follow adversarial justice system. This system already favours the accused a lot. Under the system the burden of establishing the guilt of accused lies upon the prosecution and law believes in the presumption of innocence of accused². Due to accused friendly legal system, lengthy legal procedures and higher rate of acquittals people are losing their faith in the existing criminal justice system³. To restore the faith of victims and to enhance the efficiency of the Criminal Justice System several Law Commissions and Committees suggested to amend the existing criminal laws. These suggestions received equal amount of opposition by the human rights activists. No one can say that the rights of accused should be compromised but we should not forget that protecting the rights of victim is our equal responsibility and should not be jeopardized on any technical or legal ground.

¹ 1(1972) 1 AIR ER 997

² The Indian Evidence Act, 1872 s.101, Whoever desires any Court to give judgment as to any legal right or liability dependent on the existence of facts which he asserts, must prove that those facts exist. When a person is bound to prove the existence of any fact, it is said that the burden of proof lies on that person.

³ National Crime Record Bureau Report 2012.

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It is undisputable that most important fundamental right enshrined in our constitution is Right to Life given under art.21⁴. But does our criminal justice system is able to give adequate protection to these rights? Perhaps not...the rising crimes in different areas is an indication of the same. Mentioning the plight of our Criminal Justice System, Justice Malimath says ⁵

“when a crime has been committed in front of so many eyewitnesses and all the evidences are against the accused then too his silence and denial of the charges, gives him the benefit of the presumption of his innocence. Similarly, if he is confessing before the police and on the basis of his confession the police has recovered the weapon used in crime or any other material relevant for the case, like the dead body or stolen goods, then too his confession is not admissible, merely because it is addressed to the police. If accused gives any statement which is self incriminatory in nature, that too is inadmissible”.

Need of New Techniques of Investigation

No one would be disagree on this point that the criminal trial in adversarial system relies completely upon the quality of investigation⁶. Most of the crime takes place in deserted places where it is always difficult to get an eyewitness. In such blindfold cases investigations depends upon the evidences collected from crime scene and the information given by the suspect. As per the existing International Conventions⁷, provisions of the Contitution and established judgments using third degree method upon suspect or accused is unconstitutional⁸. As per the recent judgment of Smt. Selvi v. State of Karnataka ⁹ honorable Supreme Court has held that even scientific techniques like polygraph, brain mapping and narco analysis can not be used on the accused without his consent. Such circumstances and orders of the Supreme Court have left limited options with the investigating agencies like relying upon direct or circumstantial evidences. In absentia of effective witness

⁴ The Constitution of India, art. 21“No person shall be deprived of his life or personal liberty except according to a procedure established by law.”

⁵ The Malimath Committee Report-2003.

⁶ The adversary system, available at: https://moodle.pmaclism.catholic.edu.au/pluginfile.php/18972/mod_resource/content/1/hsc_legal_chapter3.pdf (last visted on 30 june 2021).

⁷ Internatiol Covenant and Civil and Political Right,1966- s.7

⁸ *D.K.Basu v. State of West Bengal* (AIR 1997 SC 610) This is a landmark judgment given by the Apex court in the case of an increasing number of custodial deaths in India.

⁹ *Selvi and Ors.v. State of Karnataka*, A.I.R 2010 S.C. 1974.

protection program¹⁰ in most of the cases either eye witnesses do not turn up or turn hostile subsequently. This results into acquittal of the accused in most of the cases. These infirmities in the existing system indicates the overhauling of the investigation mechanism. Some most key factors responsible for poor performance of criminal justice system are -

- a) Delay in registering the First Information Report and non scientific investigation of the criminal cases.
- b) Lack of training of police personnels in collecting and preserving physical evidences from the crime scene.
- c) Lack of forensic science experts which are resulting into delayed or inaccurate forensic reports. Majority of the above mentioned reasons are primarily connected to scientific evidences and their mismanagement contributes significantly to the woes of prosecution in establishing the guilt of the accused person.

Challenges of 21st Century

Undoubtedly in 21st century the crime scenario has become very complex. The ‘modus operandi’ of the criminals is becoming scientifically and technically more and more advanced. Crimes like bomb explosion, terrorism, cyber crimes, murder, rape are becoming more and more rampant in the present society. The Criminal Justice System of India is primarily based upon “demonstrable evidences” which are found in the form of material, medical and circumstantial evidences. The Indian Criminal Justice System, emphasizes more upon direct evidences where the eye witness can be influenced by several extraneous factors. Seeing the similar types of shortcoming of the existing system many developed countries brought phenomenal changes in their manner of investigation and started using more scientific techniques of investigation which helped them in solving the most difficult and clueless cases. In India also at different point of time different Criminal Justice Reform Committees acknowledged the importance of scientific techniques in changing scenario and recommended their use in criminal investigations. Justice Malimath Committee, 2003 and Madhav Menon Committee, 2007 both gave several suggestions to revamp the criminal justice system and observed the necessity of scientific treatment of offenders and crime scenes in criminal investigation.

¹⁰ The Witness Protection Scheme in 2018, is the first legal enactment set up by the Indian Government, but its effectivity is still debatable.

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Arrival of New Scientific Techniques of Criminal Investigation

In past decades several advancements in the field of forensic science has taken place, which may form the backbone of the criminal justice system and sometimes their findings may be considered as conclusive proof. Material evidences and medical evidences like fingerprint, hair, semen, blood, firearms, and skeletal remains etc. found at the scene of the crime can provide useful information. They help not only establishing the manner of crime committal but also provide great help in identifying the real perpetrator. In modern day crime world forensic science is the most effective way of investigation. New techniques based on scientific research like DNA profiling and gene data bank are pivotal for the convictions of criminals and for the prevention of would be criminals¹¹.

Forensic sciences is sharing the best and most unique partnership with law enforcement agencies. It is a multidisciplinary subject which has several specialized branches. These branches provide great assistance to investigating agencies by helping them in gathering evidences, which is used by prosecutors against offenders during the trial. Forensic experts also play the role of communicator and interpreter about the techniques and their findings before the court¹². Scientific techniques have several advantages like they can never turn hostile, they can't be pressurized, they can't be terrified, thus are undoubtedly more reliable. A missing link of crime can be successfully established or a weak chain can be further strengthened by furnishing these impartial evidences. The area of forensic science is full of diversity and deals with material exhibits pertaining to various nature of crimes such as murder, rape, firearms, ammunitions, explosives and explosive substances, blood, saliva, adulterated petrol, liquor, diesel, etc. Examining the forged documents or signature along with the photographic analysis of all material exhibits is also the part of work of forensic scientists. The most distinguished features of forensic science is that even if the quantity of analytical forensic material is limited it gives effective results. Thus, forensic science provides greater assistance to the court in reaching a logical conclusion in criminal cases.

¹¹ Strengthening Forensic Science in the United States: A Path Forward, *available at*: <https://www.ojp.gov/pdffiles1/nij/grants/228091.pdf> (last visited on 20Nov.2021).

¹² Loene M Howes, "Science & Justice by Project: Communication of forensic science,2014".

The communication of forensic science in the criminal justice system: A review of theory and proposed directions for research.

Law Governing Forensic Techniques and the Admissibility of Modern Techniques in India

Forensic Science is not new for India though hasn't received sufficient push in independent India. Though in India the pace of growth of forensic science is comparatively slow but it keeps some space in certain laws in the form of 'Expert Evidence.' These laws can be primarily categorized into:

- (1) Legislations
- (2) Case laws

Main legislations governing the expert evidence-

- The Indian Evidence Act, 1872

The Code of Criminal Procedure, 1973

Under the Indian Evidence Act, 1872 Sec.45¹³, 46¹⁴, 51¹⁵ and 73¹⁶ are relevant provisions in dealing with utility of scientific evidences/expert opinion. Similarly Sec.53¹⁷ and 53A¹⁸ of Cr.P. C. 1973 also deals with Expert Opinion. Section 292 and 293 of The Code of Criminal Procedure, 1973 are also related to expert evidence. But surprisingly this list of experts under Sec.293(4) does not include the Experts of most advanced scientific techniques like Experts of DNA Profiling, Polygraph, Narco-analysis or Brain Mapping test. In India laws related with the relevancy and admissibility of opinion of forensic experts are not very clear, but time to time courts have expressed their support to the importance of the scientific techniques and scientific proofs through their judgments. In the case of *Malay Kumar Ganguly v. Dr. Sukumar Mukherjee*¹⁹, the honorable Supreme Court expressing its views over the relevance of forensic evidences mentioned that:-

“Court is not bound by the evidence of the experts which is to a large extent advisory in nature. The Courts have full powers to derive its own conclusion upon considering the opinion of the experts which may be adduced by both sides, cautiously and upon taking into consideration the authorities on the point on which

¹³ *Ibid.* Sec.45 of the Act deals with expert opinion. Relevancy of expert opinion is prescribed in section 45 of the Act. It also defines that who is “Expert”.

¹⁴ *Ibid* Sec.46-Facts bearing upon opinions of experts- Facts, not otherwise relevant, are relevant if they support or are inconsistent with the opinions of experts, when such opinions are relevant.

¹⁵ *Ibid.* Sec.51-Grounds of opinion, when relevant- Whenever the opinion of any living person is relevant, the grounds on which such opinion is based are also relevant.

¹⁶ *Ibid.* Comparison of signature, writing or seal with others admitted or proved.

¹⁷ Examination of Accused by Medical Practitioner at the Request of Police Officer.

¹⁸ Examination of Person Accused of Rape by Medical Practitioner.

¹⁹ (2009) 9 SCC 221.

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 he deposes. It has been further emphasized that in the cases involving Medical Science, complex questions are involved and therefore expert evidence is very assisting. However, the court for the purpose of arriving at a decision on the basis of the opinions of experts must take into consideration the difference between an ‘expert witness’ and an ‘ordinary witness’.

In some cases courts have shown very positive response towards the Expert Opinion and Scientific Evidences and upheld their constitutional validity as well. Like in the case of *Sham Sunder v. State of Haryana*²⁰ in which the crime of robbery and murder was committed. The Police have taken the fingerprints of the accused, during the investigation, when he was not under arrest and that too without the permission of the Magistrate. The Court held that there was no illegality and no violation of the fundamental rights of the accused..

In another case of *Ramchandra Ram Reddy v. State of Maharashtra*²¹ the High Court examined the conflict between latest narco-analysis test and art. 20(3)²² of the Indian Constitution and concluded that;-

“...such a statement given under the narco test will attract the bar of Art.20(3) only if it is incriminating to the person making it. Whether it is or not can be ascertained only after the test is administered and not before”.

Again in the case of *Rojo George v. Deputy Superintendent of Police*²³, the Kerla High Court favored narco-analysis test on the parameters of fundamental rights and held that “Narco-analysis test does not amount to a deprivation of personal liberty or intrusion into privacy”. The High Court held that “Narco analysis test does not require judicial sanctions, because it is a recognized test for an effective investigation”.

In this case of *Dinesh Dalmia v. State*²⁴, again the Madras High Court gave a historic and comprehensive opinion about scientific methods of investigation and ruled that;-

“Narcoanalysis testimony was not testimony by compulsion because the accused may be taken to the laboratory for such test against his will, but the revelation during such test is quite voluntary. The court also held that, there is a hue and cry from the public and the human rights activists that the investigatory sleuths adopt third degree method to extract information from the accused. It is

²⁰ 2005(3) RCR (Cri.)975 (P&H).

²¹ 2004 All MR (Cri)1704.

²² Right against self incrimination.

²³ 2006(2) KLT 197.

²⁴ 2006 Cri LJ 2401

high time that the investigating agency took recourse to scientific methods of investigation and this does not lead to violation of Art.20(3)".

In another famous and sensitive case of *C.B.I. v. Surendra Koli & Mohinder Pander*²⁵, there were serial murders of women and children. Two suspects of this case were a rich Businessman and his servant, who was arrested after tracing the EMI no. of the mobile of a deceased. During the investigation debris of different body parts of deceased children were recovered from the backyard of the house. Both the subjects were referred for Brain Mapping test and other Psychological tests. The test result of BEOS²⁶ was positive for one of the subjects and was corroborated subsequently by the confession of that subject. During the trial test results of BEOS were accepted.

In another most famous case of *Abdul KarimTelgi*²⁷ which is also known as Stamp Paper Scam case, the kingpin Telgi was tested positive in the P-300 brain mapping test. The report on the Telgi brain mapping test said;-

"The major findings reported by the brain mapping tests are indicative of the possession of knowledge about the activities by KarimTelgi. The brain activation during preparation, processing, while evoking primary encoding, indicates active participation of KarimTelgi in all these activities".

In another case of *ArunGulabGavli v. State of Maharashtra and Others*²⁸ Bombay High Court favoured the constitutionality of modern scientific techniques by saying that;-

"The only guarantee of personal liberty for a person is that he shall not be deprived of it except in accordance with the procedure established by law. So when a procedure is properly described even for the use of scientific techniques like Polygraph and Brain mapping, it cannot be said that the rights of accused provided under Art.21 have been violated".

In the recent high profile case of murder of *SunandaPushkar* Magistrate ordered to conduct Polygraph test on three suspects²⁹. This test played a key role in giving clues to the Police to investigate and to crack most clueless cases.

²⁵ (2006) 838/2006.

²⁶ Brain Electrical Oscillation Signature Profiling is an EEG technique by which a suspect's participation in a crime is detected by eliciting electrophysiological impulses.

²⁷ <http://www.scribd.com/doc/169975555/Brain-Mapping-Test> (last visited on July20,2021).

²⁸ 2006 Cri LJ 2615.

²⁹ Times of India, 21May, 2015, pg.3.

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In India another modern technology which is used for criminal investigation is DNA profiling. It helps in solving the most serious problems of crime investigation and other relevant cases. *Gautamkundu v. State of West Bengal*³⁰, *Sajeera v. P.K.Salim*³¹, *Priyadarshni Matoo's* case etc. are some cases in which DNA testing was taken into consideration for solving the problem of law enforcement.

Now DNA Profiling has become an integral part of our Criminal Justice System and in last ten years, this technique played a key role in solving many cases. In *Raghuvir Desai v. State*³², the Bombay High Court noted that DNA test is clinching piece of evidence and it can make a virtually positive identification when two samples match.

In case of *Geeta Saha v. NCT of Delhi*³³ the Delhi High Court ordered that a DNA test can be conducted on a foetus of a rape victim. In another recent case of *Bhabani Prasad Jena v. Convener Secretary, Orissa State Commission for Women*³⁴, the honorable High Court gave order for DNA test of the child and appellant.

Necessity of Application of Forensic Science

In the past, through different judgments, different courts raised concerns about the use and utility of forensic techniques in criminal investigation. Expressing its views in the support of forensic science the Madras High Court in the case of *Muniammal v. The Superintendent of Police, Kancheepuram District, Kancheepuram*³⁵ has said that:

“This High Court is much desirous and concerned about expressing that the branch of science of Forensic Medicine is an effective scientific method, which plays a vital role in assisting the Justice Delivery System to render justice to the society, in the administration of Criminal Justice. In order to make this particular subject more viable, more teeth have to be provided by the legislature and the authorities concerned, to make it trendsetting”.

After going through the materials available in this case and in the backdrop of the authorities on the subject, the honorable High Court gave some suggestions for

³⁰ A.I.R. 1993 SC 2295

³¹ 2000 Cri LJ 108.

³² 2007 Cri LJ 829.

³³ 1999(1) JCC 101.

³⁴ AIR 2010 SC 2851

³⁵ Criminal Original Petition No.12582 of 2007 in the High Court of Judicature at Madras, Order Dated: February 16, 2008.

the consideration and implementation, to enhance the capabilities of the forensic experts and forensic science, which are as follows:

- a Periodical training of the Medical Officers should be organized to make them more updated and efficient in the field of Forensic Science.
- b To evolve a uniform procedure of medical certification, there should be a standardized format of noting down the injuries and their signs.
- c For every doctor posted in government hospital, periodical forensic training should be mandatory.
- d Not only medical but also Para medical staff should be trained periodically in the field of forensic science.
- e Right from the undergraduate level every student of medicine should get familiarized with the intricacies of Forensics.
- f There should be a compulsory posting of all intern House Surgeons in the Department of Forensic Medicine for a reasonable time period.
- g The government should develop such an educational structure where medical experts could get sufficient knowledge of not only Health Delivery System but also of the Justice Delivery System.
- h Number of seats in PG Courses in Forensic Medicine should be increased.

In another relevant case, a Supreme Court Bench, comprising of Justice K.S.Radhakrishnan and A.K.Sikri in a Criminal Appeal No.369 of 2006 in *Dharam Deo Yadav v. State of U.P*³⁶, emphasized the need to adopt scientific methods of investigation to save the judicial system from low conviction. The Apex Court stated that:

“Hardened criminals get away from the control of law as reliable and sincere witnesses to the crime rarely come forward to depose before the court. Therefore the investigating agency has to find some other ways and means to improve the quality of investigation, which can only be through the collection of scientific evidences. There is a need to strengthen forensic science for crime detection and judiciary needed to be equipped to understand and deal with such scientific materials”.

In a recent case of Uttar Pradesh a 12 year old girl Noor-Un-Nisha was raped by appellant Akhtar on 4 April 2012. Honorable Allahabad High Court, showed its grave concern over the poor condition of the investigation. The honorable Court stated and I quote:

³⁶ (2014) 5 SCC 509.

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*“The Criminal Justice System in this country is at crossroads. Many a times, reliable, trustworthy, credible witnesses to the crime seldom come forward to depose before the court and even the hardened criminals get away from the clutches of law. Even the reliable witnesses for the prosecution turn hostile due to intimidation, fear and a host of other reasons. The investigating agency has, therefore, to look for other ways and means to improve the quality of investigation, which can only be through the collection of scientific evidence. In this age of science, we have to build legal foundations that are sound in science as well as in law. Practices and principles that served in the past, now people think, must give way to innovative and creative methods, if we want to save our Criminal Justice System. Emerging new types of crimes and their level of sophistication, the traditional methods and tools have become outdated, hence the necessity to strengthen the forensic science for crime detection. Oral evidence depends on several facts, like the power of observation, humiliation, external influence, forgetfulness, etc., whereas the forensic evidence is free from those infirmities. The Judiciary should also be equipped to understand and deal with such scientific materials. Constant interaction of Judges with scientists, engineers would promote and widen their knowledge to deal with such scientific evidence and to effectively deal with criminal cases based on scientific evidence. We are not advocating that, in all cases, the scientific evidence is the sure test, but only emphasizing the necessity of promoting scientific evidence also to detect and prove crimes over and above the other evidence”.*³⁷

The honorable High Court further stated that in the State of U.P. ,there is the absence of an adequately equipped D.N.A. Laboratory, having advanced mitochondrial DNA analysis facilities, comparable to the CDFD, Hyderabad. In this case the High Court ordered to send the sample to Hyderabad, after unsuccessful DNA matching in an earlier case, *Bhairavs. State of U.P*³⁸. where this Court had sent the sample of vaginal smear slides and swabs and appellant's underwear to the U.P. DNA laboratory, viz. Forensic Science Laboratory, Agra, and directed that such a DNA center comparable to the CDFD, Hyderabad, should be established in the State of U.P. at the earliest, so that the Courts and the investigating agencies are not compelled to send DNA samples at high costs to the

³⁷ Ref:(<http://elegalix.allahabadhighcourt.in/elegalix/WebShowJudgment.do>) (CAPITAL CASES No. 574 of 2013 Judgment/Order Dated - 28/8/2014 at Allahabad.Title - *Akhtar v. Stae of U.P.* Coram- Hon'ble Amar Saran J. and Hon'ble Vijay Lakshmi J.).

³⁸ Criminal Capital Appeal (Jail) No. 2531 of 2010] decided on 6.9.11.

specialized facility of the CDFD at Hyderabad.³⁹ In recent past on Feb.4, 2014 Delhi High Court, while dealing with DhaulaKuaan Rape case, expressed its displeasure over the disappointing position of Forensic Techniques in India. The High court of Delhi, expressed its serious concern over the time taken by the Delhi Government's forensic laboratory in examining criminal evidences. A bench of Chief Justice NV Ramana and Justice Manmohan said, "if the forensic lab takes years to examine a case and send a report, how do you expect the courts to dispose of the criminal cases timely." The court's observation came after Delhi Government, through an affidavit, said that the only state-run Forensic Science Laboratory (FSL) in the city, at Rohini, gets a large number of cases for examination, leading to backlogs. As per the affidavit filed by the government on Police statistics show forensic reports in 7,135 cases sent to Delhi's forensic science laboratory (FSL) in Rohini between 2006 and 2018 (till June 30) are still pending, which means investigation in these cases is incomplete and their number is constantly increasing as manpower, space and other infrastructure had not increased commensurately.⁴⁰ The court also asked the Centre to explain by way of affidavits how much time the Central Forensic Science Laboratory takes in furnishing reports in each case.⁴¹ Thus, it is clear that deteriorating condition of the Criminal Justice System of India compelled the courts to play a pro-active role for the development and use of different branches of forensic science.

Conclusion and Suggestions.

Thus it is evident poor investigation and under use of forensic science in criminal investigation is mainly hampering the growth and effectiveness of the Criminal Justice System of India. Now on the basis of the above discussion, the importance of the role of forensic science can be undisputedly accepted. The forensic science is used properly. It can be a boon for Criminal Justice Delivery system of India. Forensics Experts can play a key role not only in collecting biological samples with necessary precautions, but also in delivering the best test results, which can be extremely helpful for courts to draw an appropriate conclusion.

³⁹ *Ibid.*

⁴⁰ *Ibid.* "HC unhappy with govt forensic lab's slow work", Press Trust of India, New Delhi February 4, 2014 (Last visited, 5th June 2021)

⁴¹ Available at (<http://timesofindia.indiatimes.com/city/delhi/Big-backlogstaff-crunch-ailing-forensic-lab-Govt/articleshow/23475944.cms>), (Last visited, 5th June 2021)

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On the basis of overall analysis the following suggestions may be taken into consideration to strengthen the Criminal Justice Delivery System of India-

- For the collection of physical evidences investigators must be properly trained and their training programs must be organized periodically in association with forensic experts of scientifically advanced countries like US, UK, Germany etc.
- The investigators should be periodically attached to the forensic science laboratories to develop better scientific temperament about forensic science.
- Besides investigators Judges and public prosecutors should also be trained to develop a better understanding of forensic science and law. It will also be helpful in reducing the trust deficit prevailing between court and investigating agencies.
- More and more forensic science laboratories should be established with modern equipment. It will help in lowering down the delay and uncertainty in criminal investigation.
- If an expert is supporting a relevant conclusion, then that should be respected by the court, unless there are other concrete reasons of exclusion.
- Our procedural laws especially Evidence law is not very clear about the admissibility of forensic evidences. These procedural laws should be amended to bring uniformity in investigation throughout the country.
- Under Section 293 (4) of the Criminal Procedure Code DNA experts should be included. Along with DNA Experts, Polygraph Experts, Brain Mapping Experts and Narco-Analysis Experts should also be included.

At the end it is concluded that Scientific evidence has to be given greater probative value. As of now the vague provision gives ample discretion, to the court to mark any value to the outcome of expert opinion ranging from 1-100. Thus it is high time to classify the outcome of these techniques, on the basis of their reliability, in the categories of 'May Presume', 'Shall Presume' and 'Conclusive Proof'. Scientific techniques are the most human right friendly techniques for investigation. They give authentic result also so they should be made admissible as

“Substantive Evidence” rather than “Opinion evidence”. Now the greater use of scientific technique can provide an effective mechanism to provide speedier and effective justice. This is the best possible method in present circumstances to restore the faith of the people in our Criminal Justice System. These techniques can be used effectively within the purview of the Constitution and can protect the rights of the accused and the victim both.