

Scholar Name: Seema Singh
Supervisor Name: Dr. Mohd. Asad Malik
Department: Faculty of Law
Title of the Thesis: The Scope of Scientific Techniques in Criminal Investigation in India

ABSTRACT

Increasing rates of crime and low conviction rate in India questions the efficiency of our Criminal Justice System. In India we follow adversarial system which is very much in the favor of accused and presumes him innocent unless his guilt is proved beyond doubt by the prosecution. Besides that several other constitutional and statutory rights are also available to the accused. After the liberalization of 1991 the criminals started using more sophisticated method of crime but the investigating agencies are still using the traditional method of investigation purely based upon direct and circumstantial evidences.

Thus in the existing circumstances the researcher hypothesises that present legal framework is not adequately equipped to deal with emerging challenges in criminal law and not able to provide a satisfactory place to the scientific techniques of criminal investigation. Thus the procedural laws should be reformulated and periodically reviewed to make it consistent with the rights of the accused and the victim both.

In the thesis 7 scientific techniques of criminal investigation Fingerprinting, Blood Pattern Analysis, Polygraph, Narco- analysis , Brain Mapping, DNA Profiling and Gene Mapping have been discussed in detail along with the science working behind them to prove their authenticity and reliability. Simultaneously the response of legislature and judiciary of US and India have been discussed to show their friendly behavior towards these techniques.

Through Empirical Study data from the key component of Criminal Justice System like Police, Forensic Experts, Lawyers and Magistrates were collected within Delhi and analysed. The questionnaire and interview method was adopted.

Ultimately on the basis of doctrinal and empirical study it was concluded that in the era of 21st century the importance of forensic science as an effective tool of investigation cannot be ignored and it is high time to include these techniques as the most inseparable and mandatory part of investigation.

At the end of the thesis it was suggested that to make our Criminal Justice System more friendly to the scientific techniques existing substantive and procedural laws should be amended at required places. It is also suggested that scientific evidences should be treated as primary evidences instead of treating them as opinion evidences, burden of proof should be relaxed in the favor of police on the basis of the report of forensic experts, unless there are other reasonable ground to disbelief the forensic report should be considered as admissible, a huge gap of demand and supply of forensic experts and forensic labs should be reduced, DNA Data Bank, gene bank fingerprint Data Bank and hand-writing data bank should be created and police and magistrates should be trained properly and regularly to understand the authenticity and reliability of the forensic tests.

These observations of the researcher also supported by the Malimath Committee and Madhav Menon Committee Reports. So ultimately the hypothesis of the research is proved.