Journal of Contemporary Psychological Research ISSN 2349-5642(Print) Vol.1 Issue 1 December 2014 © Contemporary Research Publication, Bhuj (Gujarat),INDIA

Forensic Psychological Tools and its evidentiary value in INDIAN courts

Deepti Puranik, Ph.D. Research Scholar, University of Mumbai Dr Priscilla Paul, Department of Applied Psychology, University of Mumbai

Abstract

Crime is something that has an impact on each and every individual's life either directly or indirectly and recently there has been an observable increase in the crime rate of our country. Criminal Investigation has then played a very significant role in the investigation and curbing the offences to a large extent. The exposure of media and other resources has created much awareness even for offenders when it come to eliminating physical evidence left on the crime, and thus making it relatively difficult for the investigating agencies to gather evidences which will lead them to the perpetrator of the particular crime. Initially, 3rd degree torture was the most frequently used technique while interrogating a suspect, however, it was a very crude way of investigation and also it was found that innocent suspects confess to crime under the pressure of 3rd degree torture due to fear. Therefore, there has always been a need for the use of standardized techniques to be utilized for the purpose of investigation. Some of these scientific techniques have gained importance in recent times such as Polygraph, Brain Electrical Oscillation Signature Profiling (BEOS), etc. However, these psychological techniques have at times created controversies and its utility has been questioned, especially after the Supreme Court judgment. Thus, there has been a need to understand the legal interpretation associated with the tests, and it's evidentiary value in the honorable courts. This paper is an attempt to understand the evidentiary value of the Psychological Techniques such as Polygraph, Brain Electrical Oscillation Signature Profiling, Narco-analysis through various case studies as well as judgments associated with the test.

Keywords: Psychological Techniques, Polygraph, BEOS, Narco-analysis, Evidentiary Value, Corroborative Evidence.

References

C.B.I. V. Surendra Koli & Mohinder Pander, (2006) 838/2006, Sector 20, Noida.

Code of Criminal Procedure, (1973).

Directorate of Forensic Science Laboratory, Mumbai (2008) Laboratory Procedure Manual: Narocanalysis, Directorate of Forensic Science Laboratory, Home department, Government of Maharashra.

DODPI Numerical Scoring Evaluation System, (2004), Psycho physiological detection of deception, analysis ii--course #503. Indian Evidence Act, (1872).

Joseph, S., Mukundan, C.R., Puranik, D.A., Daundkar, B.B., Garad.M.V., (2009b) "Eliciting Experiential Knowledge: Some theoretical and practical considerations in designing probes for Brain Signature Profiling", XX All India forensic Science Conference, Jaipur.

Mukundan, C.R. (2006) Neuropsychology for Trainees in Neuro Signature Technique, Banglore: Axxonet Solutions India Pvt. Ltd.

Mukundan, C.R. (2007a) Brain Experience: Neuroexperiential Perspectives of Brain- Mind, Atlantic Publishers & Distributors(P) Ltd., New Delhi.

Puranik, D.A., Joseph, S., Daundkar, B.B., Garad.M.V., (2009) "Brain Signature Profiling in India: its status as an aid in investigation and as corroborative evidence-as seen from judgments", XX All India forensic Science Conference, Jaipur.

Raskin, David, "Polygraph Techniques for the Detection of Deception," in Psychological Methods in Criminal Investigation and Evidence, ed. By David Raskin (Springer Publishing Co, 1989.)

Smt. Selvi & others V. State of Karnataka (2010) Criminal Appeal No.1267 of 2004

State of Maharashtra V Arjun s/o Laxman Sayam (2007) S.C.No 130/2007, State of Maharashtra V. Aditi sharma and Pravin Khandelwal S.C.No 508/07.

Vaya, S.L. (2007), National Resource Center for Forensic Psychology, Directorate of Forensic Science, Gandhinagar, Gujrat.

Veeraraghavan. V. (2008), (Edited) Handbook of Forensic Psychology, Selective & Scientific Books, Publishers & Distributors.

Yadav, A., Rao, M.S.& Ravikumar, K.V. (2009). Brain Electrical Oscillation Signature Profiling: An emerging tool in Crime Investigation. Proceedings of XIX All India Forensic Science Conference 2009. Pg. no. 117-123.

Author Note

Deepti Puranik, Department of Applied Psychology, University of Mumbai
Dr Priscilla Paul Associate Professor, Department of Applied Psychology, University of Mumbai
Correspondence concerning this article should be addressed to Deepati Puranik, Ph.D. Research Scholar, Department of Applied Psychology, University of Mumbai (Maharashtra)(INDIA) Email: puranikdeepti@rediffmail.com