

VALUE OF EXPERT EVIDENCE THROUGH THE PRISM OF INDIAN EVIDENCE ACT

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ABSTRACT

This study examines the role that expert testimony plays in the Indian legal system by examining its structure via the prism of the Indian Evidence Act of 1872. The first chapter lays out the foundation for expert testimony and emphasizes how important it is in helping judges understand intricate technical issues.

The definition of an expert is covered in the following chapter, which distinguishes between a "expert as witness" and a simple specialist. It looks at the particular training and background that make someone qualified to offer expert testimony in court. The core of the third chapter is the distinction that should be made between ordinary witness testimony and expert opinion. The research here highlights how specialised interpretations and conclusions based on the witness's knowledge are provided by expert testimony, which goes beyond simple factual observations. In Chapter Four, the topics covered by S. 45 of the Evidence Act are examined. This S. describes in detail the particular fields in which expert judgements are relevant. These fields include foreign legislation, complex scientific or creative ideas, and fingerprint or handwriting identification. The next chapter delves more into the topic of expert opinion and its value. It highlights the vital dependability test, which guarantees expert opinions are supported by reasoned arguments, accepted practices, and substantiated evidence. This chapter makes it clear that, although it may increase the persuasiveness of expert testimony, corroboration is not a need for admissibility. The main conclusions are outlined in the last chapter, which emphasises the critical role expert testimony plays in producing well-informed judicial decisions. It also highlights the need for the court to critically assess expert testimony within the parameters set forth by the Evidence Act and recognises the possible drawbacks of this type of evidence. In order to give both researchers and legal practitioners in India a thorough grasp of the legal environment surrounding expert testimony, this study attempts to accomplish two goals.

Keywords: Evidence, Expert, Handwriting, proof

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INTRODUCTION

When in doubt, the suppositions, inductions, convictions and simple theories of witnesses are prohibited under the steady gaze of a Court of law.¹ It implies that such kinds of proof don't justify thought. Consequently, they are avoided as forbidden in the law of Evidence. Witnesses are considered as truth revealing specialists of the legitimate hardware and their part in the settling system is to illuminate the court regarding realities. 'Realities' signifies and contains just realities and not conclusions or inductions. Witness should affirm just what he had seen with one of his five detects.²

Accordingly, it is beneficial to know the significance of assessment and its qualification from truth. In the law of proof, 'assessment' signifies any deduction from noticed realities. Be that as it may, in certain circumstances it will be hard to recognize reality and assessment in light of the fact that there are marginal cases wherein the proof of truth is blended with proof of assessment. For instance, proclamations identifying with the speed of something specific, character of people and so forth are blended with truth and derivation. In such cases, the law grants observers to express their perspective, without which the reality locator can't arrive at a right resolution. In some different cases, the line, which separates realities from assessment might be sensitive.

Normal lay observer can't recognize specific realities with his judiciousness. Such realities might be dark or imperceptible to him. However, an observer having a specific ability or preparing might have the option to see such reality. Law of proof permits an individual - who is an observer to express the realities identified with either to a reality in issue or to important truth, yet not his induction. It applies to both criminal law and common law. The assessment of any individual other than the appointed authority by whom the reality must be chosen regarding the presence of current realities in issue or significant realities are when in doubt, unessential to the choice of the cases to which they relate for the most clear purposes behind this would contribute the individual whose assessment was demonstrated with the personality of an adjudicator.

¹Sweet and Maxwell, *Phipson on Evidence Law*, 475, (The Common Law Library, U.K., 10th edn. 1983.) This is based on the 'best evidence rule'. The core premise of evidence law is that the best evidence should be presented in court. The best evidence is evidence obtained directly from the source. Derivative or secondhand evidence will be excluded.

² The broad 'hearsay' rule also states that evidence that is not directly known to a person should be disregarded because of its weakness. Hearsay evidence is just that—evidence of an untested individual. The rule is given in India under the Indian Evidence Act, Section 60.

The standard in any case, isn't without its special cases. "*In the event that matters emerge in our law which concern different sciences or resources, we generally apply for the guide of that science or workforce which it concerns*". The master observer is, along these lines, a special case for the exclusionary rule and is allowed to offer perspective proof. The Judge isn't relied upon to be a specialist in every one of the fields-particularly where the topics include specialized information. He isn't equipped for drawing induction from the realities which are profoundly specialized. In these conditions he really wants the assistance of an alleged specialist to have better information or involvement with connection than the topic. This capability makes the last option's proof acceptable in that specific case however he is no chance identified with the case.

The exploration project manages the review the evidentiary worth of well-qualified assessment under the Indian Evidence Act break down it considering different legal professions on the point.

WHO IS AN EXPERT?

S. 45 of the Indian Evidence Act does not consider any knowledgeable man, no matter how lofty his claims to wisdom and understanding may be, to be an expert. The Indian Evidence Act's S.45 defines an "expert" as a person who possesses unique knowledge, expertise, or experience in any of the following fields: foreign law, science, art, handwriting, or finger impressions. Thus, the primary interpretation of a specialist as defined by the Act is that he is a person who possesses exceptional talent in the field that he affirms.

Yet, the segment doesn't allude to a specific accomplishment, standard of study or experience, which would qualify an individual to give proof as a specialist. By and large, an observer is considered as a specialist in case he is gifted in a specific craftsmanship, exchange or calling, and had of impossible to miss information concerning something similar. He more likely than not made an uncommon investigation of the subject or obtained a unique encounter in that. In such a case the inquiry is: Is he peritus? It is safe to say that he is gifted? Has he sufficient information? The topic of capability or wellness of an observer as a specialist is to be chosen by the appointed authority.³

³ Avtar Singh, *Principles of the Law of Evidence*, 246 (Central Law Publications, Allahabad, 21st edn., 2014).

In this manner, as such the Indian Evidence Act accommodates no proper capabilities that might be viewed as fundamental to qualify an observer as a specialist. On case of *Abdul Rahman v. Territory of Mysore*,⁴ where the assessment of an expert goldsmith with regards to the immaculateness of the gold being referred to was held to be important as the assessment of a specialist, however he had no proper capabilities, his main capability being his experience.

There should be something to show that the master is gifted and has a sufficient information regarding the matter.⁵

Permitting well-qualified assessment on the impact of deferral on the expense of development, the court said that a specialist could be qualified by expertise and experience just as by proficient capabilities.⁶ The report of a compound inspector has been held to be usable in proof.⁷

Expert as a Witness

The expression master declaration does not hold significance for every category of evaluation proof. An observer does not provide master declaration when he merely affirms the impressions conveyed to him with almost no uncommon information. A matter of ordinary knowledge, such as whether or not the impact of 10 kg steel plates with implements generates noise, does not necessitate the consultation of a specialist. Master proof is often sought after in matters pertaining to craftsmanship, age, climate, business strategy, and so forth. An individual possessing exceptional knowledge regarding the value of land through personal experience but not through any profession can be regarded as an expert.⁸ Such an extremely long time the Courts in India have been tolerating the declaration of a goldsmith about the metal being gold and the degree of its immaculateness however the test is exceptionally rough completed by scouring the metal on the touch stone.⁹ Currently, with the invention of technology to assess the purity of gold, the need for goldsmiths to provide proof may become unnecessary.

⁴ (1972) Cr.LJ 407.

⁵ *State of H.P. v. Jai Lal*, 1999 Cri L.J. 4294(S.C.).

⁶ *James, & Co. v. South West Regional Health Auth.*, (1984) 25 Build L.R. 56.

⁷ *State of A.P. v. Gangula Satya Murthy*, (1997) 1 SCC 272.

⁸ *Collector Jabalpur v. Nawab Ahmed*: AIR 1971 M.P. 32.

⁹ *Assistant Collector, Customs v. Pratap Rao*: 1972 CrLJ 1135.

DIFFERENCE BETWEEN EXPERT OPINION AND ORDINARY WITNESS TESTIMONY

The testimony of an ordinary witness and that of an expert witness differ in the following ways:

(a) An expert witness is not limited to stating what exactly happened; instead, he can provide his opinion on the cause of a person's death, injuries, or the effects of a toxin based on realities expressed by various observers at the preliminary of the case, even though it is unlikely that he would have visited the patient and observed things firsthand;

(b) He can speak about an experiment he conducted;

(c) He may state facts relating to other cases bearing similarity to the case under investigation in order to support his opinion; and

(d) He may cite text books of recognized authority in support of his opinion and may use them to refresh his memory.

The expert can offer his viewpoint upon the validity of the contested hand composing subsequent to having contrasted it and examples conceded or demonstrated as per the general inclination of the Court to be authentic.¹⁰ Like a non-master observer, the declaration of a specialist need not limit to undeniable realities and he might give proof on realities as expressed by different observers, e.g., a specialist who probably won't have seen the patient actually can think concerning the reason for his passing on realities removed. He might talk about tests made by him without parties. The assessment of a specialist witness, notwithstanding how prominent in his field he might be, should not be perused as convincing of the reality which the Court needs to attempt.¹¹ Nonetheless, proof of prominent abstract people as specialists can be depended upon.¹²

For someone to present evidence as that of a specialist, it must be shown that he has done a lot of research on the subject or has a lot of experience with it, or that he is knowledgeable and has

¹⁰ R. Manilal, *Disputed Writings & Expert Evidence*.

¹¹ *Kamala Kuer v. RatanLal* AIR 1971 All 304

¹² *SamareshBasu v. AmalMitra*, 1985 SCC (Cr) 523

enough information about it. A expert is not someone who looks for the truth. His proof is truly of a warning person.¹³

SUBJECT MATTERS OF EXPERT EVIDENCE UNDER S. 45, INDIAN EVIDENCE ACT

Foreign Law

Foreign law is defined as legislation that is not enacted in India. In England, master proof driving is typically used to illustrate it. It is possible that the same method may be used in India under Section 45 or S. 38, which allows for the creation of authentic books and reports on foreign law. Foreign law is a factual matter.¹⁴

Foreign law, besides on requests to the House of Lords and Privy Council, must, except if discovered under the legal technique, be demonstrated as a reality by gifted observer, and not, as at one time held by creation of books in which it is contained for the Court isn't capable to decipher such rules.¹⁵ Unfamiliar law is an issue of truth with which Courts in India shouldn't be acquainted. Subsequently, assessment of specialists on unfamiliar law is permissible. In unfamiliar law, the master might be either an expert legal advisor or an individual *peritus virtute officii*, i.e., holder of true circumstance which requires and accordingly infers lawful information or maybe some other individual who from his calling or business has had particular method for getting more familiar with the law being referred to. Unfamiliar law, besides on requests to the House of Lords and Privy Council, must, except if determined under the legal method, be demonstrated as a reality by talented observer, and not, as at one time held by creation of books in which it is contained for the Court isn't skilled to decipher such rules.

Unfamiliar law is an issue of reality with which Courts in India shouldn't be familiar. Along these lines, assessment of specialists on unfamiliar law is permissible. In unfamiliar law, the master might be either an expert legal counsellor or an individual *peritus virtute officii*, i.e., holder of true circumstance which requires and consequently suggests lawful information or

¹³ Chief Justice M. Monir, *Law Of Evidence*, 997 (Universal Law Publishing Co., New Delhi, 14th edn., 2006).

¹⁴ *Khoday Gangadhara Sah v. Swaminathan Mudali*, 1926 Mad 218.

¹⁵ *Masjid Shahid Ganj v. Shiromani Gurdwara Parbandhak Committee, Amritsar*, AIR 1940 P.C. 116 at p. 120

maybe some other individual who from his calling or business has had unconventional method for getting more familiar with the law being referred to.¹⁶

An foreign adjudicator, advocate or solicitor practicing in the courts is skilful however not a simple occupant of the outside country, not uncommonly familiar with the law. It isn't sufficient to show that the observer truth be told knows the unfamiliar law: he should be one who, from his position or preparing, should know the law.¹⁷ Just because it is going to be applied by the courts of this country does not mean that any foreign law will automatically become a part of the law of Indian Territory. This is something that should be observed. To this day, such an unusual law continues to be an unfamiliar legislation; hence, in accordance with Section 45 of the Evidence Act, master proof is permitted in relation to such an unfamiliar law. In addition, the tradition that must be followed, such as the Shia Law on Marriage, is the tradition that must be followed and is the one that is in effect in India. In no way, shape, or form can not it be referred to as unfamiliar law, nor is such law a science or a craftsmanship covered by Section 45 of the Evidence Act, which is considered to be of significant importance. It is simply the responsibility of the courts to interpret the norm that everyone is required to follow and to apply it. They should not rely on the evaluations of the observers, regardless of how knowledgeable they may be.

It would be perilous to designate their obligation to witnesses delivered by one or the other party. Unfamiliar law, then again, is an issue of reality with which the Courts in India shouldn't the acquainted be. Assessments of the specialists on unfamiliar law are accordingly, permitted to be conceded.¹⁸

Matters of Science or Art

The phrase "science or art" should have a flexible interpretation, keeping in mind all areas for which a special review or experience is crucial to the assessment plan.¹⁹ The S. 45 discusses people extraordinarily talented in science or workmanship as specialists. The words 'science or workmanship' are expansive terms, and it is in no way, shape or form simple to figure out what

¹⁶ Phipson's Evidence, S. 1291

¹⁷ *Perlak Petroleum v. Deen*, 1924 1 KB 111.

¹⁸ *Aziz Bano v. Mohammad Ibrahim Hussain*, AIR 1925 All.720

¹⁹ *Supra* note 13, p. 999.

is, or alternately isn't a state of science or craftsmanship. Whatever it is in no way, shape or form simple to figure out what is, or alternately isn't a state of science or craftsmanship.²⁰

In reference to experts in science, art, or penmanship, Mr. Taylor states:

*“it is in short a general rule, that the opinion of witnesses possessing peculiar skill is admissible whenever the subject-matter of inquiry is such that inexperienced persons are unlikely to prove capable of forming a correct judgment upon it without such assistance; in other words, when it so far partakes of the character of a science or art as to require a course of previous habit or study in order to obtain a competent knowledge of its nature...”*²¹ the assessments of the logical observers are acceptable in proof not just where they lay on the individual perceptions of the observer himself and on realities inside his insight, yet even where they are simply established working on it as demonstrated by different observers at the preliminary. Be that as it may, an observer can't be asked his viewpoint regarding the very point which the jury is to decide.²²

The word 'science' has been characterized in the Universal Dictionary of English Language, alluded to by the learned Judge, as extraordinary capability, aptitude, expertise bases on long insight and practice, is adequately wide to incorporate the proof of a specialist. A specialist must be skilful and needs to show that he has sufficient information regarding the matter. For a situation, the Government needed to get on installment from the cultivators sick apples and to obliterate them. There was a grumbling that the cultivators had submitted bogus cases as to amount. The master, who was named to provide details regarding the natural product bearing limit of the plantations, visited the plantations, in the ensuing year when the apple season was finished. He had not made any logical review on research regarding the matter nor was he extended to any such employment opportunity prior. He arranged his report based on derives and guesses. His report was not depended upon.²³ The word 'science' occurring in S. 45 includes specialists in type-authors and type-composing must be perused inside the importance of the word 'penmanship'. The term "science" encompasses such a broad range of concepts that it is possible to recall the evaluation of an expert for impression. Communication is a science or workmanship and the observers' information on the phone and of designing for the most part puts

²⁰ S.C. Sarkar, *Law of Evidence*, 227 (Bharat Law House, Nagpur, 16th edn., 2008).

²¹ John Pitt Taylor, *A Treatise on Law of Evidence*, 1418 (Cambridge Publication, U.K., 12th edn., 2017).

²² *Id.* p.1421

²³ *State of H.P. v. Jai Lal*, AIR 1999 SC 3318.

them in exceptional position and makes them skillful to offer a viewpoint upon articles and matters which are to a great extent being used in the division of the phone and of designing by and large.²⁴

The main thing which court can do regarding this matter is to decipher the words 'science' and 'craftsmanship' generously and along these lines update the law in line with the turns of events.

In *State v. S.J. Choudhary*,²⁵ Supreme Court made an endeavour to express the extension and ambit of S. 45, while choosing the significant inquiry of law, regardless of whether assessment of typewriter master is permissible under S. 45 of the Indian Evidence Act.

For this situation the arraignment needed to illustrate specific implicating realities against the respondent with the assistance of a typewriter master. J. S. Verma J., held, the words science and craftsmanship gave in S. 45 of the Indian this case was that, court imported the terms 'ability' or 'procedure' with the word science, however court was quiet with regards to its application in ongoing cases.²⁶

Identity of Handwriting or Finger Expressions

Where the court needs to settle on the personality of the penmanship of someone in particular or the character of someone in particular or the personality of someone in particular's finger impression, the court might get the proof of a gained individual a mastery on the matter. Judgment on the handwriting is the sole domain of Section 47 of the Indian Evidence Act.²⁷ The explanation details how a person knew the contested handwriting.²⁸ Under this part an individual who is dismissing the proof need not be a penmanship master. For sure the information the

²⁴ *Bacharaj Factories, Ltd. V. Bombay Telephone Co. Ltd.*, 1930 S 245.

²⁵ AIR 1996 S.C. 1491.

²⁶ Through this case Supreme Court overruled its earlier decision in *Hanumant v. State of M.P.* AIR 1952 SC 343. where Supreme Court upheld the reasoning of the Nagpur High Court by saying that opinions of type writing experts were not admissible under S. 45 of the Indian Evidence Act.

²⁷ A relevant fact in situations where the court must determine whether a document was written or signed by a particular individual is the opinion of a person familiar with that individual's handwriting regarding whether or not the document was written or signed by that individual.

²⁸ *When a person has seen another write or received documents claiming to be written by that person in response to documents written by him or under his authority and addressed to that person, or when documents claiming to be written by that person have routinely been submitted to him, then that person is said to be familiar with the handwriting of that person.*

overall person of any individual's composing which an observer has gained unexpectedly and accidentally, under no situation of predisposition or doubt, is undeniably more palatable than the most intricate correlation of even an accomplished individual. One can get to know others penmanship in numerous ways. The previous may have seen the last option composing a specific penmanship. He may be getting letter from the last consistently. An unrivalled officer may have seen his subordinate's composition on a few events as well as the other way around. In any case, the proof given by an inadequate individual commonality ought to be disposed of.²⁹ In accordance with the Indian Evidence Act, it is mandatory for documents to be proven using either primary evidence or secondary evidence.³⁰

Section 67 of the Indian Evidence Act specifies the method for establishing the authenticity of a signature on a document.³¹ However, the opinion about handwriting can only be used if the conditions set out in S. 47 are met. This means that the witness must be shown to have seen the person's writing in one of the ways listed in S. 68³² In any case, the assessment of a specialist is pertinent when the Court needs to frame an assessment on a state of intelligence or workmanship. Now and again well-qualified assessment varies on demonstrated or conceded information. However, when the information isn't conceded the Court will have first to arrive at a resolution on the validation regarding what information have been demonstrated and furthermore to apply to comparative information the brilliant well-qualified conclusions which have been advertised. The assessment of a specialist in penmanship ought to be entered with incredible alert and shouldn't be figured on except if confirmed.³³

However, no such validation is need on account of fingerprints. The proof of finger impression master isn't meaningful proof. It must be utilized to certify another proof of meaningful nature which is as of now there on record. The killing was by shooting while the casualty was in his vehicle. There was no proof that the denounced had any need to contact the vehicle.³⁴

²⁹ *Devi Prasad v. State*: 1967 Cr.L.J. 64.

³⁰ S .67: The contents of documents may be proved either by primary or by secondary evidence

³¹ When it is claimed that an individual signed or partially wrote a document, it is necessary to provide proof that the signature or handwriting on the portion of the document that is purportedly in that individual's handwriting appears.

³² *Rahim Khan v. Khurshid Ahmed*, AIR 1975 SC 290.

³³ *Punjab National Bank Ltd. V. Mercantile Bank of India Ltd.* 8 IC 93 (Bom).

³⁴ *Musheer Khan v. State of MP*, AIR 2010 SC 762.

Obviously, a specialist can generally revive his memory by alluding to the reading material. A specialist can allude to clinical books, a valuer to the value records, an unfamiliar legal advisor to legitimate codes, texts and different diaries. At one time expert evidence is restricted to clinical specialists, engineers, planners, stockbrokers and so forth.

The master proof is no longer limited to the previously mentioned but also to the researchers in each subject because science and innovation have reached such heights. Taking everything into account ballistic specialists, measurable specialists, researchers who conclude the authenticity by DNA tests, substance inspectors, therapists, radiologists and even track-canines are assuming an imperative part in examination of violations and their proof is acceptable in the courtroom.

The professional opinion extends beyond handwriting alone. The views regarding customs are likewise permissible as per Section 48 of the Indian Evidence Act.³⁵ Custom is also talked about in S. 13 and S.32 (4). Part 13 talks about all kinds of rights and customs, including public, general, and private ones. It also talks about specific facts that can be used as proof. The last choice is a noise defense, which means that a second opinion can be given in court if the person believes they can't be brought before the court (because they are dead or unable to do so) because of an open right, custom, or matter of public or general interest. This person is called *risk litem motan*. On the other hand, S.48 handles the proof of a live observer who stayed under the close watch of the Court that was determined to remove and was likely to be questioned. It's not just tradition that's okay in this case; assessment of use is also fine.

The key criteria that Courts require is that when discarding custom, it must supported by unambiguous proof. S.49³⁶ is about the opinions regarding tenets and S.50³⁷ is about the opinion on relationships. S.32 (5) of Indian Evidence Act also is about the admissibility of opinions in relation to relationships. The assessment of a specialist witness is allowable in proof not just

³⁵ The opinions of individuals who are reasonably likely to be aware of the existence of a particular right or general custom are pertinent when the Court is required to form an opinion regarding that right or custom.

³⁶ The views of individuals having particular means of knowledge thereon are relevant facts when the meaning of words or terminology used in certain places or by specific classes of people, the structure and management of any religious or benevolent foundation, or the usage and tenancy of any group of men or family must be decided by the Court.

³⁷ When the Court needs to determine the connection between two individuals, the view expressed through the actions of any person who has specific information about the relationship, either as a family member or in another capacity, is considered a relevant piece of evidence.

when it lays on the individual perception and request yet in addition when it is established on the cases as demonstrated by other observer at the preliminary.³⁸

VALUE OF EXPERT OPINION: THE TEST OF RELIABILITY

The Act just gives about the pertinence of well-qualified assessment yet gives no direction concerning its worth. The worth of well-qualified assessment must be seen in the light of numerous unfriendly factors. First and foremost, there is the risk of mistake or intentional deception. “These privileged persons might be half blind, incompetent or even corrupt.”³⁹

Secondly, His evidence is ultimately subjective and “human judgment is fallible. Human knowledge is limited and imperfect.”⁴⁰ No individual has ever acquired all knowledge in any of the disciplines.

Thirdly, one has to remember that an expert witness, “however impartial he may wish to be, is likely to be unconsciously prejudiced in favors of the side which calls him.”⁴¹

The dependability of such proof must be tested in the same way that other proofs are tested. As a result, the court should ask the master to elucidate the reasons for his point of view before forming its own opinion on whether or not the well-qualified evaluation is acceptable.⁴²

The assessment of a specialist isn't unequivocal of the matter. The story asserted by the observer can be checked by clinical proof. However, even clinical proof isn't unequivocal of any matter. In the event of contention between eye-proof and clinical proof, the court should pass by the proof which moves more certainty.⁴³ The test is whether the onlooker record can be viewed as dependable when the alleged observer had not seen the occurrence. The assessment of the clinical official is to help the court as he isn't an observer of truth and the proof given by him is truly of a warning person and not by and large, annihilatory of the observer of reality.

³⁸ Relevancy of Expert Opinion before Court
<<http://www.mondaq.com/india/x/247286/Civil+Law/Relevancy+Of+Expert+Opinion+Before+Court>> last accessed: 24/05/2024.

³⁹ *Happu v. Emperor*, AIR 1933 All 837.

⁴⁰ *Mohd. Zahid v. State of T.N.*, 1997 Cri L.J. 3699(SC).

⁴¹ *Supra* note 9, p. 253.

⁴² *Crown Prosecutor v. Gopal*, AIR 1941 Mad. 551.

⁴³ *Thakur v. State*, AIR 1955 All 189.

The worth of specialized proof, similar to that of clinical proof, likewise relies on the conditions of the case. There is no law and order that it is perilous to put together a conviction with respect to the weak declaration of a unique mark master however all things considered the court ought not to underestimate his viewpoint.⁴⁴ Where well-qualified assessment is significant master must be heard as an above all else prerequisite. The master ought to be equipped in his field. He isn't to go about as an appointed authority or jury. He is not a truth-observer. His evidence is a cautionary tale. His credibility is based on the justifications he provides for his choices, as well as the data and resources he uses to support his arguments.⁴⁵

CORROBORATION NOT NECESSAR

It's not always necessary to ask for verification. Still, based on how things stand now in a certain case, a court might need proof of a changing degree. There is no such thing as an unchangeable principle, but it is also not okay to throw out the opinion of a professional that is supported by strong evidence just because it isn't backed up.⁴⁶ The procedure that a court should follow in order to manage the evaluation of a penmanship master should be to proceed cautiously, examine the justifications that are being used for the evaluation, consider any evidence that is still relevant, and then decide whether or not to acknowledge or dismiss it.

The Apex Court, after reviewing earlier decisions on the point, has held that:⁴⁷ *“We are firmly of the opinion that there is no rule of law, nor any rule of prudence which has crystallised into a rule of law, that the opinion evidence of a handwriting expert must never be acted upon, unless substantially corroborated. But, having due regard to the imperfect nature of the science of identification of handwriting, the approach should be one of caution. Reasons for the opinion must be carefully probed and examined. All other relevant evidence must be considered. In appropriate cases, corroboration must be sought. In cases where the reasons for the opinion are convincing and there is no reliable evidence throwing a doubt, an uncorroborated testimony of a handwriting expert may be accepted.”*

⁴⁴ *ibid.* 41, p. 255.

⁴⁵ VR Dinkar, *Interpreting scientific expert evidence with special emphasis on the admissibility and probative value of DNA identification evidence*, SILT, <http://shodhganga.inflibnet.ac.in/bitstream/10603/6648/9/09_chapter%201.pdf> last accessed: 24/05/2024.

⁴⁶ *Supra* 42.

⁴⁷ *Murari Lal v. State of MP*, AIR 1980 SC 531.

CONCLUSION

In essence, it is a matter of scientific inquiry or discussion, where there is often a challenge, and occasionally a difficulty, in obtaining more direct and conclusive evidence. In such cases, individuals with specialised knowledge on the subject, sometimes referred to as experts, are allowed to present their opinions as evidence and attest to facts. Medical professionals' evaluations in matters concerning time of death, age of the individuals involved, cause of death, likelihood of the weapons used, illness, injuries, mental health, and insanity of the individuals are consistently delayed.

Currently, DNA testing is commonly used to determine the kid's paternity in family law cases involving child support and child legitimacy. In the Court of law, it is permissible to evaluate the exceptional skill of an individual in a given subject based on a fundamental principle. Exceptions to this criterion may be made in cases where there is a lack of direct evidence and in rare situations when further evidence is needed to support the existing proof.

It is currently an established legal principle that expert opinions should always be obtained with caution. There is a significant amount of legal authority that suggests it is risky to base a conviction just on a well-qualified evaluation without substantial evidence. This standard has been thoroughly scrutinised and is on the verge of being enacted as legislation. Regardless, no justification will validate the rejection of an expert's evaluation supported by unchallenged justifications only on the basis that it is unsubstantiated.

When it comes to significant assessments, it is crucial that the master's voice is heard above all else, especially if they are highly qualified. The master should possess expertise in his domain. He is prohibited from acting as an arbitrator or juror. He lacks the ability to see and comprehend reality. His proof serves as a cautionary tale. The credibility of his claims is based on the reasoning he provides in support of his actions, as well as the evidence and facts he presents that constitute the foundation of his argument.