



## **CONCEPT AND APPLICATION OF FORENSIC PSYCHOLOGY IN INDIAN CONTEXT**

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### **ABSTRACT**

*The field of forensic psychology has been around for quite some time, not only in India but also in other emerging nations. Forensic psychological techniques are crucial to any security setup because they allow for communication with the perpetrator's or planners real brain. The use of forensic psychological methods like the polygraph, BEOS, and microanalysis in the examination of criminal cases has become more common. However, these methods are not only useful in criminal and civil proceedings. The primary goal of this paper is to describe the state of Forensic Psychology in India at the present time. We want to learn how well-known the field of forensic psychology is in India, what percentage of the population suffers from mental illness, and where the field of forensic science stands internationally and domestically.*

**Keywords:**Forensic psychology, Crime, Evidence, Juvenile justice, Psychologists

### **I. INTRODUCTION**

Psychology is the scientific study of human and animal behavior and thought processes. The Latin word for "forum" (from which we get the word "forensic") means a platform or a forum. In its broadest sense, forensic science is the use of scientific knowledge and methodologies in the service of the judicial system. The definitions of "crime" and "criminal" change depending on the specific situation. And the legal and judicial system of a certain state, country, or province should be consulted for clarity and application. One must use extreme discretion when using this phrase, since what constitutes criminal behavior in one society may not do so in another. In contrast, more educated societies may see the same behavior that is deemed illegal in one jurisdiction as a health problem in another. A crime is an act that is legally recognized to be a breach of the law and which reflects cultural and social maladjustment. The terms "crime" and "criminality" are often used interchangeably but have distinct meanings. Crime is an actual violation of the law, whereas criminality describes a propensity to engage in illegal activities. Interventions for criminal behavior are at the heart of criminal psychology's mission to reduce crime. Sometimes it's hard to tell whether something is a crime or not. Due to the fact that it is situationally as well as contextually dependent. When a soldier of one army kills a member of the other army, it is seen as an act of valor and pride. However, the general public views this behavior as criminal. Self-defense, drug use, and peer pressure should all be taken into account when investigating a crime committed by a civilian. While the legal definition of crime emphasizes violations of the law, the normative definition of crime emphasizes violations of our moral code. The field of criminal psychology investigates the mental



processes that underlie criminal conduct. These processes may include, but are not limited to, the following: personality, attitude, physiology, learning, motivation, thinking, and other cognitive Factors. Understanding criminal psychology is crucial for describing, explaining, predicting, and managing criminal conduct.

It is common to hear the phrase "forensic psychology is an emerging field in India" from Indian law enforcement officials. You may get the same information with a quick Google search on forensic psychology in India. While it is true that law enforcement is increasingly using techniques from the field of forensic psychology, there is still room for improvement. In nations like the UK and Australia, forensic psychologists play a crucial role in both the criminal investigation and corrections processes. Roles as varied as criminal profiler, court expert witness, interrogator of suspects, jail rehabilitation officer, and victim counselor are all within their purview. The Indian equivalents, however, do not have quite as many distinct positions. The country's criminal investigation and judicial systems would improve greatly if forensic psychologists were allowed to work in a wider variety of settings. Separate psychological divisions exist within a wide range of governmental and non-governmental organizations that conduct criminal investigations. Although competent forensic psychologists are useful in these settings, clinical psychologists with expertise in diagnosis and treatment are in more demand. The cause of this has not been determined.

## **II. HISTORY OF FORENSIC PSYCHOLOGY IN INDIA**

The Central Forensic Science Laboratory (CFSL) of the Central Bureau of Investigation (CBI) established the first lie detection section in 1968, marking the beginning of the field of Forensic Psychology. Historically, there has been a dearth of institutions providing formal education in lie detection for working professionals. Books and articles from the West were used as guides for conducting the examinations. Using trial and error with scientific techniques, forensic psychologists in India were able to convince the courts that their field provided effective justice.

In 1989, Dr. S.L. Vaya performed the first narco-analysis ordered by a court. However, this was done without the subject's permission. She continued by saying that, in light of the law and people's basic rights, consent and judicial approval were of equal weight. Unlike modern-day professional laboratories, this examination was often performed in jails using a home-made kit. Narco analysis is now performed in a room designed to seem like an operating theater, under the watchful eye of a medical doctor, a nurse, and a mental health specialist.

Narco analysis, lie detection, and Brain Electrical Oscillation Signature testing were all deemed constitutional by the Indian Supreme Court in 2010. Evidence gleaned through the use of these tools will be accepted in a court of law.

The courts have a mixed opinion on the use of scientific techniques in forensic psychology labs, finding them to be intrusive of an individual's basic rights while at the same time using the information gleaned from the processes to aid in crime scene investigation.



### **III. APPLICATION OF FORENSIC PSYCHOLOGY**

Forensic psychologists have important roles in a wide range of settings, including the legal system, law enforcement, prisons, and healthcare. Psychologists that specialize in forensics sometimes go by the moniker "criminal profilers" because of the profiles they create based on their evaluations and investigations of criminals' past actions and personalities.

When a person's sanity is being questioned in court, forensic psychiatrists are called in. A forensic psychologist may either confirm or refute a claim of insanity under section 84 of the Indian Penal Code. When a defendant asserts "doliincapax" as a defense, a forensic psychologist may evaluate the child's mental ability. Sections 82 and 83 of the Indian Penal Code provide the "doliincapax" defense. That under no circumstances may a kid under the age of seven be held criminally responsible for his actions. A youngster older than seven but less than twelve cannot be prosecuted for criminal behavior if he lacks the mental ability to grasp the implications of his conduct. Irresponsible drinking may be used as a legal defense under Section 85 of the IPC. Involuntary drunkenness is not only caused by alcohol, but also by excessive doses of legally authorized medications.

In the event of a divorce involving child custody, a forensic psychologist may be consulted. A forensic psychologist does an assessment of the parties' parenting skills and character. If the youngster is old enough to have a reasonable choice, it is taken into account as well.

Legislators may seek advice from forensic psychologists on how a proposal can affect the public emotionally. In addition to treating adult and juvenile criminals, forensic psychologists may also help victims of crime.

While the goal of the Indian penal system is rehabilitation, incarceration may be difficult, particularly for first-time offenders. The overcrowding of Indian jails has negative effects on the physical and emotional well-being of the incarcerated population. Prison psychiatry has the resources to address such concerns. Many incarcerated people have personality problems, which may be treated via individual or group treatment. The effectiveness of these methods has been extensively shown across the globe.

### **IV. PROSPECTS OF FORENSIC PSYCHOLOGY IN INDIA**

In addition to their importance in investigations, forensic psychologists play a pivotal role in correctional facilities and juvenile detention centers. In terms of offender interviews, post-sentence rehabilitation, and corrective methods for juveniles, India's jails and juvenile justice settings lag substantially behind.

In India, there is a worryingly high 7.2 percent recidivism rate among both adult and juvenile criminals. Returning to criminal activity after serving a prison term is known as recidivism. Forensic psychologists play a vital role in helping lawbreakers come to terms with their actions, work through their problems, and get the help they need for any underlying mental health concerns.



Inadequate care is given to inmates' physical and mental health in correctional and juvenile detention facilities. Adult and adolescent first-time offenders may benefit from the services of a forensic psychologist to help them adjust to life behind bars, where they may be subject to groupthink, physical threats, and other types of bullying from hardened criminals. All sorts of mental illnesses might stem from the stresses caused by these factors. A research analysis published in *The Lancet* highlights the high rates of schizophrenia, depression, and drug abuse among incarcerated people. Research from India also points to inmates' poor physical and mental health. Similarly, a significant fraction of young criminals have mental health issues.

Forensic psychologists are well-suited to helping incarcerated individuals cope with stress, adjust positively to their new environment, and get any necessary psychological first aid. Recidivism rates may be lowered in the psychiatric field by the use of interventions that target offenders' mental health problems.

Counseling for crime victims is another area that typically receives little attention. Trauma of this magnitude leaves many people susceptible to mental illness. The mental health of sexual assault victims may already be suffering when they are exposed to extensive medical testing and interrogations. Forensic psychologists' primary roles in these situations are to provide comfort, educate clients on what to expect, and assist in their recovery from trauma. In addition, they may aid in victims' recovery and reintegration into family and community by fostering unconditional self-acceptance.

## **V. EVIDENTIARY VALUE OF FORENSIC PSYCHOLOGY IN INDIA**

In many instances, forensic psychology has been shown to be more crucial. Forensic psychologist S.L.Vaya's assessments of many suspects in the 2008 murder of Arushi Talwar were very close to the truth. However, the evidence was largely disregarded by the courts and CBI, and was ultimately ruled inadmissible.

The forensic psychologist acts as a "amicus curie" for the court, providing testimony or an expert opinion. They employ methods such as polygraph examinations and narco-analysis tests to determine whether or not a suspect committed a crime. Evidence obtained using these methods is utilized as supporting evidence despite the ongoing dispute over whether or not it is admissible.

Despite forensic psychology's shown usefulness in a variety of circumstances, its findings are not yet legally accepted in legal proceedings. These methods are often used by private investigators but are typically disregarded as insufficient for legal proceedings. If these techniques are officially implemented by the CBI and police, they will greatly improve the efficiency of the investigative process.

As society's technical capabilities have increased over the last several decades, so too have those of the criminal underworld. In many cases, forensic experts are unable to recover any tangible evidence from a crime scene. This makes it harder to determine which suspects were involved. In these types of cases, forensic psychology may be very helpful.



The polygraph, often known as a lie detector exam, is a computerized recording device used in detecting deception. The suspect's rate and depth of breathing are recorded using pneumographs strapped to his or her chest. Cardiovascular exercises are measured with a blood pressure cuff. Electrodes attached to the fingers are used to gauge the galvanic skin reaction, also known as the electrodermal response. The suspect is then asked to answer well crafted questions. The veracity of his answer is then evaluated in light of any changes in his reading habits.

Although the findings of these cutting-edge methods are helpful in solving crimes, they cannot be used as absolute proof because of their inherent unreliability. Anxiety may greatly affect the findings of polygraph tests, and attorneys often raise concerns about the admissibility of evidence submitted by a defendant when he was in a comatose state. An innocent person's readings may change if he were placed in such a dangerous situation. As a result, you can't trust the data. However, the findings of brain mapping tests have been shown to be more accurate than those of narco-analysis and lie detector tests. For instance, in October 2019, police solved a case from 2011 in which a guy was accused of murdering the spouse of his girlfriend. Kamal Singla and Shakuntala planned and carried out the murder of Siva kumar. Both suspects passed a lie detector test throughout the inquiry, which concluded that they were telling the truth. When the Crime Branch wasn't pleased with the results of the investigation, they turned to a Brain Mapping Test to get to the bottom of things.

Even if a person gives their informed permission to a battery of tests like these, the results may be thrown out by a court because of questions about the reliability of the evidence. According to the "Expert opinion" provision of the Indian Evidence Act of 1872, a forensic psychologist can help a court by producing his findings as a fact, which must be proven by other substantive evidences. In 2000, the National Human Rights Commission published guidelines on the administration of narco-analysis, polygraph testing, and brain mapping. The rules state that a person's informed permission is required before one of these tests may be performed on him. The accused should also be given details on the testing technique in its entirety. Individual entities, such as hospitals, in the presence of an attorney, must perform the recording of the test.

## **VI. CONCLUSION**

For forensic psychologists to be able to do their jobs effectively inside the judicial system, a set of standard operating procedures and guidelines should be developed. Criminal investigation, rehabilitation from a criminal record, first aid for mental health emergencies, and referrals to specialists are all possible topics in a graduate or postgraduate forensic psychology program. Training in forensic psychology that emphasizes the development of practical skills may improve the effectiveness of both students and working psychologists. For the purpose of diagnosing criminal thought and initiating intervention at the school level to avoid future crimes, a broad spectrum of psycho-neuro-forensic evaluation is also needed for children in schools and universities. To aid law enforcement authorities apprehend the criminal and guarantee public safety, forensic psychology is a growing area with room for exploration of new approaches and evaluation procedures.



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**REFERENCES: -**

1. Gino A Cabrera, Argel B Masanda, Mary Grace L Daliva and AlyanaFae R. Balbuena (2019). "Exploring the Practices, Trends and future directions of Forensic Psychology in the Philippines: A Preliminary study". *Asia Pacific Journal of Social and Behavioral Science*. Vol (16)
2. Puranik, Deepti&Ghumatkar, Sangeeta&Kulkarni, Krishna. (2018). Application of Forensic Psychological Techniques in Military Intelligence and Support Operations. *Defence Life Science Journal*. 3. 393-398. 10.14429/dlsj.3.13407.
3. Emily Greene- Colozzi and Elizabeth L Jeglic (2018). "Advances in Forensic Psychology".
4. EI-shenawy, OE. (2017) 'Traditional Psychological tests usage in forensic assessment', *Journal of forensic, legal & investigative sciences*, 4(20).
5. Vaya.S.L (2015)" Forensic Psychology in India". *International Journal on Police Science*.
6. Takooshian, Harold &Caffrey, Thomas. (2012). *Forensic Psychology*. 10.1007/978-1-4419-0463-8\_12.
7. Heilbrun. Kirk, Brooks. Stephine (2010), "Forensic Psychology and Forensic Science: A Proposed Agenda for the Next Decade" *Psychology, Public Policy, and Law* 2010, Vol.16, No.3,219-253, DIP: 1076-897/10/\$12.00, DOI: 10.1037/a0019138.
8. DeMatteo. David, Marczyk. Geoffrey, Krauss.A. Daniel and Burl Jeffrey (2009), "Educational and Training Models in Forensic Psychology" *training and education in professional psychology*,2009, Vol.3, No.3, 184-191. DIP: 1931-3918/09/\$12.00, DOP: 10.1037/a0014582