

Rashtriya Raksha University



(Pioneering National Security & Police University of India)
At-Post Lavad, Ta, Dahegam, District-Gandhinagar-382305 Gujarat,
India, Website: www.rru.ac.in



Dr. S. L. Vaya,

Chief Mentor, School of Criminology & Behavioural Sciences Rashtriya Raksha University

An Institution of National Importance

Email: sl.vaya@rru.ac.in, Ph No. 079 6812 6823 ext.501,





Forensic Evidence in Civil & Criminal Trials

Locard's Exchange Principle
Appreciation of Forensic Evidence
DNA Profiling

Forensic Science Laboratories in India

- For appreciation of Forensic Evidence in civil and criminal trials, it is relevant to know How Forensic Science Laboratories function in India?
- One needs to understand the difference between Forensic science, Behavioural science & forensic psychology in crime investigation
- Forensic science is the scientific analysis of crime scene evidence.
- The focus of all forensic science laboratories in India is collection of evidence crime scene and analyzing the samples through physical, chemical, biological & digital sciences.
- Forensic science lab scientists conduct DNA analysis, Fingerprint examinations, Firearm and bullet identification, Handwriting analysis, viscera analysis, Examination of fibers, liquids, glass, and other materials including Digital evidence analysis
- These help the I.O to solve homicides, suicides, rape cases, and cybercrimes with unique efficiency. Specially DNA & fingerprint examination has enabled experts to uncover and understand crime scene evidence like never before with precision.
- Forensic Science can fill in gaps by determining cause of death (alcohol or drugs or poisons in their system or if sexually assaulted or a document is forged).

 Obc. S.L. Vaya, Chief Mentor, SCBS, RRU, Gandhinagar, Gujarat, India

Locard's: Forensic Science Principle



- Dr. Edmond Locard (1877–1966) was a pioneer who formulated the basic principle of forensic science as: "Every contact leaves a trace". It is generally understood as "with contact between two items, there will be an exchange".
- Paul L. Kirk[2] expressed the principle as follows: Wherever he steps, whatever he touches, whatever he leaves, even unconsciously, will serve as a silent witness against him.
- Not only his fingerprints or his footprints, but his hair, the fibers from his clothes, the glass he breaks, the tool mark he leaves, the paint he scratches, the blood or semen he drops or collects. They are mute witness against him.
- This evidence does not 'forget 'as it is factual. This Physical evidence cannot be wrong, it cannot perjure itself, it cannot be wholly absent.
- Only the human failure to find, study and understand can diminish its value.
- Locard's Principle also holds for computer forensics. Committing cyber crime will result in a digital trace being left behind.

Locard's Principle of Exchange









Where there is a **TOUCH** there is a Trace DNA







What all samples can be forwarded to FSL for DNA fingerprinting??

Biological Evidence

From Crime Scene:

- ➤ Blood Dry/wet
- ➤ Blood stain on cloth
- ➤ Blood stain on weapon
- **≻**Semen
- > Seminal stains on cloth
- ➤ Cigarette buds
- Hair

Reference sample

For reference sample:

- >Specimen blood
- ➤ Buccal swab
- **≻**Semen
- Hair

Victim Identification

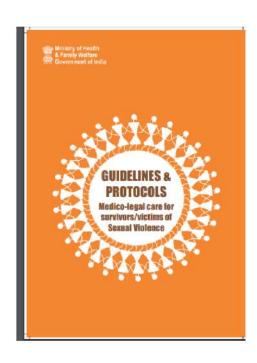
VICTIM IDENTIFICATION – INDIAN SCENARIO

Compulsory capturing vital information and basic parameters during inquest and PM

- Biometric Parameters, Finger-prints
- DNA fingerprinting,
- Photograph/Close ups of the face,.
- The other parameters from the body which may help in zeroing down identity.



Victim – Sample Collection



- General samples Clothes
- Body Samples
 - Fingernail scrapings
 - · Swabs from cheek and gum
 - Combed scalp hair
 - · Combed pubic hair
 - · Bite marks
- Genital samples
 - Vaginal swabs
 - · Vaginal smear
- Specimen Blood

Crime Scene & Medical Examination



Doctor collects samples from accused & victim. Forensic Expert aids to collect samples from Crime scene.

Scene

What all samples can be collected?

How can it be collected?

Accused Medical Examination

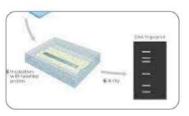
- ➤ Swabs and smear from different region of penis
- Nail clippings
- Combed scalp hair
- Combed pubic hair
- ➤ Specimen blood

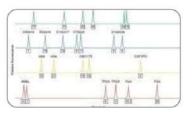


Issues and challenges









Collection of Biological Evidences Forwarding the evidences

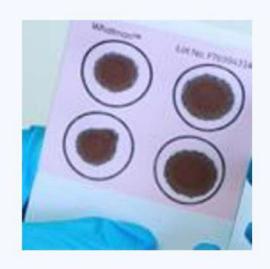
Processing for DNA profiling

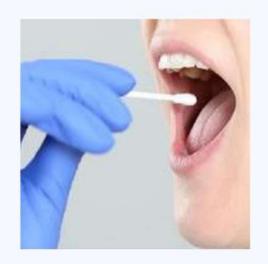
DNA report and Court testimony



COLLECTION OF STANDARD SAMPLES







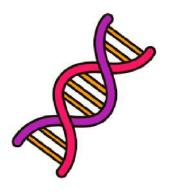
SPECIMEN BLOOD FTA CARD BUCCAL SWAB

Blood: Origin & Groups

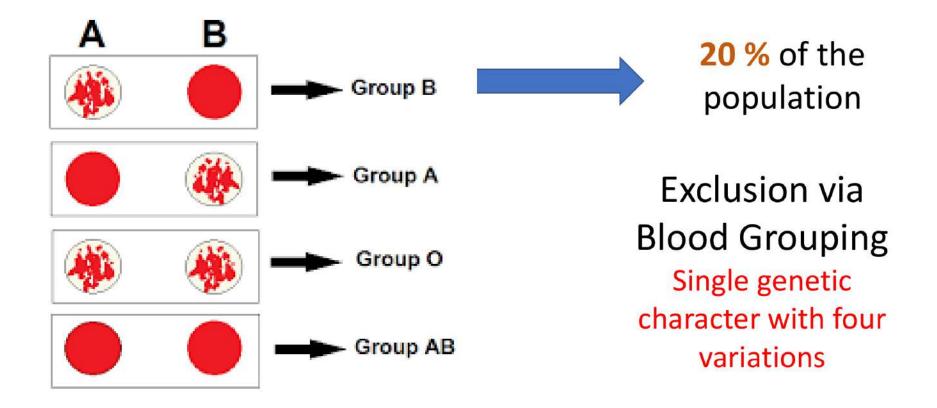
Blood Group

DNA





Probability of Exclusion: Blood Grouping



Advent of Behavioural Technologies



- When advanced technology was not there, probably many were convicted based on faulty eyewitness accounts alone.
- However, the advanced Behavioural technologies like Suspect Detection System, Layered Voice Analysis, Eye Detector & Brain mapping (i Cognative or BEOS) could supplement the eyewitness testimony
- Forensic Psychologists could replace eye witness testimony scientifically with Behavioural Assessments as Expert witnesses.
- Crime Scene evidences deteriorate with passage of time if not collected & sent for analysis in time following SOPs. In such cases, the purpose gets lost. (Aarushi-Hemraj double murder).
- By revisiting these questionable cases with behavioural technologies, innocents can get their sentences overturned. Example Aarushi-Hemraj double murder, Malegaon blast 2006, Nitari serial killing.
- In such circumstances it is only Behavioural forensics that can help in connecting all dots either to prove the innocence or establish the role of the suspect/accused/witnesses in a particular crime (Ujjain serial Killing, Ajmer arms haul case, Dausa district, Rajasthan high court referral case)

Locard's Exchange Principle in Behavioural Forensics



- Dr. Edmond Locard's basic principle of "Every contact leaves a trace" applies to Behavioural science as well
- Because of the contact between two items, there will be an exchange resulting in leaving the trace. Same principle applies in Cyber crimes and digital trace is left behind. According to Behavioural principles, brain and body interaction results in crime scene getting stored in the mind.
- Paul L. Kirk expressed the principle as follows:
- "Wherever he steps, whatever he touches, whatever he leaves, even unconsciously, will serve as a silent witness against him".
- It is the experience of crime one does not forget. it cannot be wholly absent because it is a real experience. This experience gets stored as sensory-motor-mental imageries against him in his mind.
- Thus, mute or silent witness against 'oneself' denotes experience of crime stored in "Mind-Body" realm which is 'Behavioural-Forensics'

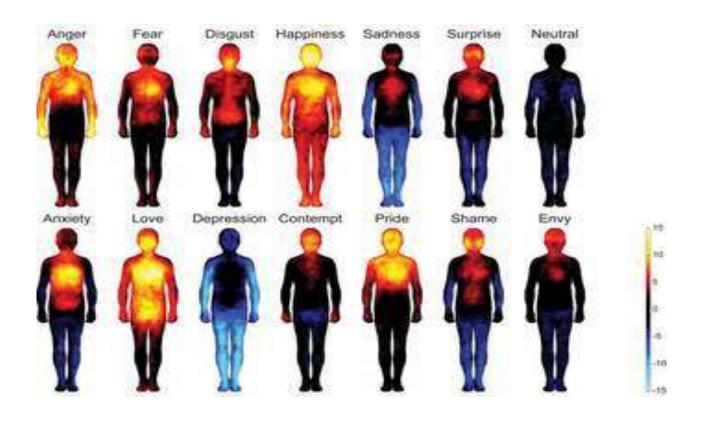


Let's look for Behavioural Forensic Clues



Brain-body Laboratory: Store house of Crime Scene

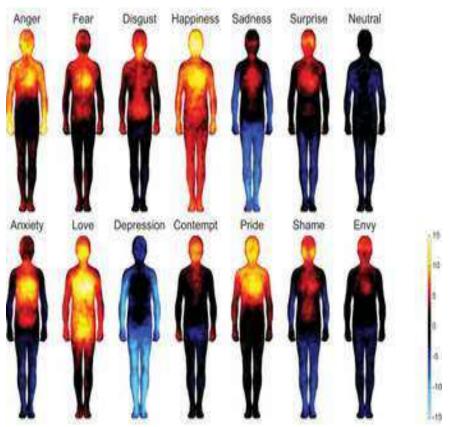




Natures's Own Signature



Mind: The Psychological GPS(sensation-feeling) Trace experience (Divine Notified Storage)



Body: A Biological GPS DNA: (Divine Notified Adhar card)



When any of the five sense organs

When the sixth sense is touched,

Behavioural Forensic Analysis of victim-offender



- The recent flood of sexual violence cases against women & children & surge of Me-too Movement reflect that perpetrators often have mental health & psychosocial risk factors to often trigger, maintain and perpetuate crimes.
- When victims & offenders are not rehabilitated, it takes a toll on their mental health affecting their mental wellbeing.
- Offender's tendency for repeat offending in a deceitful manner increases leading to criminality or slowly transforms them to become deceptive predators exploiting the vulnerable victims till they come in conflict with law.
- Because human mind & body is the store house of experience. Crime Scene & samples may become contaminated, corrupt with passage of time. But perpetrator & victim share & store the experience of crime in exactly 360-degree angle in their mindbody realm permanently.

How the criminal mind functions



- Based on years of Experience as a Clinical Psychologist and later forensic psychologist trying to understand why people commit crimes or react violently towards each other by studying their thoughts, emotions and behavior, gave a unique understanding of the Criminal Mind.
- This is where I learnt once a faulty thought occur and the blueprint is created, the plan of action becomes automatic;
- The person only waits for an opportunity to act willfully for an expected outcome.
- Example: Sexual Predators

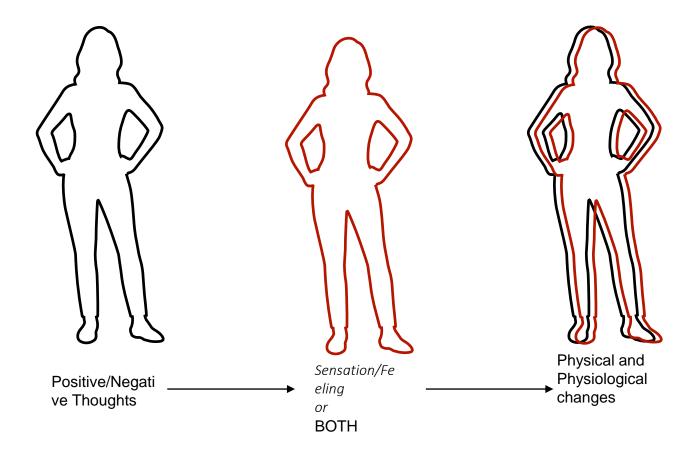
How this happens? "Chitragupta & Yama"



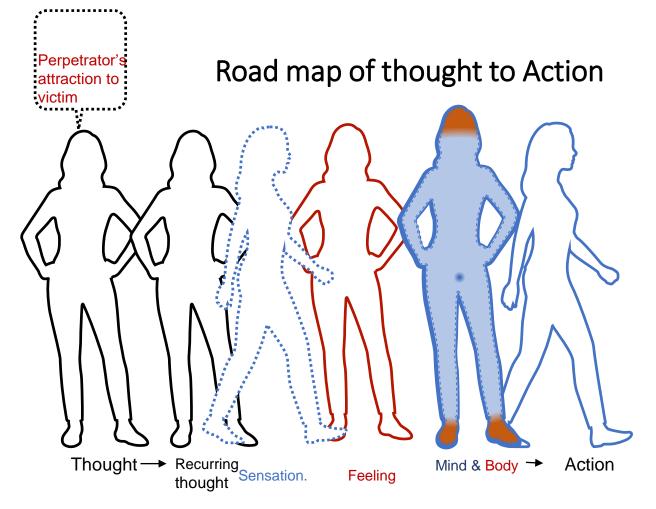
- When a thought occurs, sensation occurring on the body gives rise to craving or avoidance depending on pleasant/unpleasant nature of sensation
- The pleasant sensation results in need state of wanting more giving rise to desire whereas unpleasant sensation results in need state of avoidance or dislike giving rise to hatred. These sensory —motor-mental imageries remain preserved as sensations at subconscious/preconscious level. They are like Chitragupta or auditor who keeps and maintains the record.
- They remain preserved as Blueprints in mind-body realm.(negative of a photograph of PDF file in your computer attachment in your emails)

Thoughts to Emotions



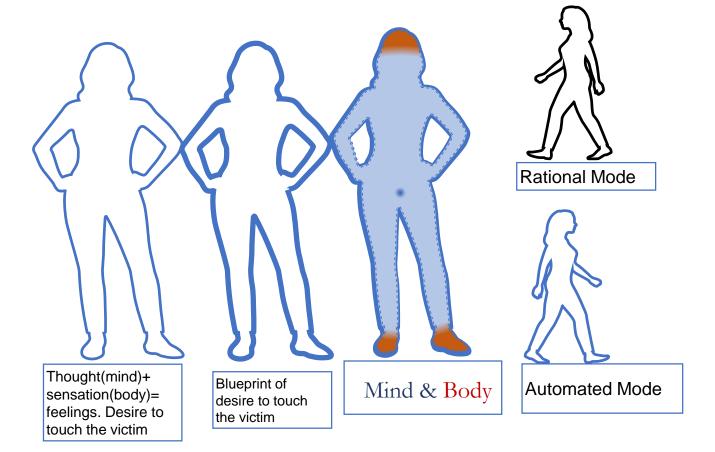








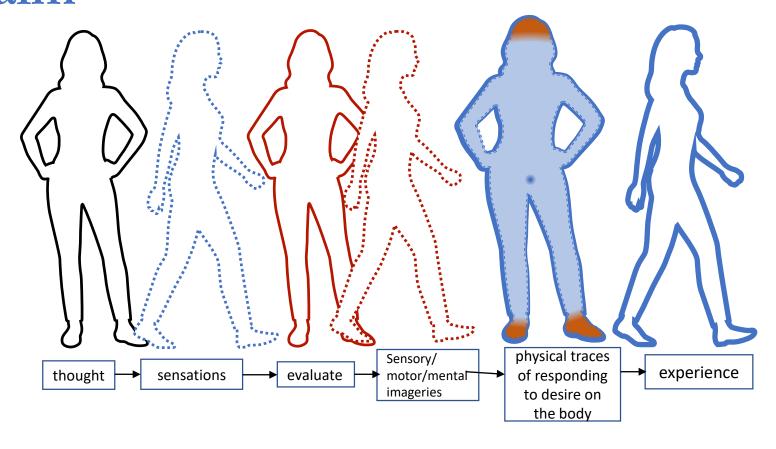
The Blueprint of Intentions



Can we retrieve this blueprint from memory by probing the mind?

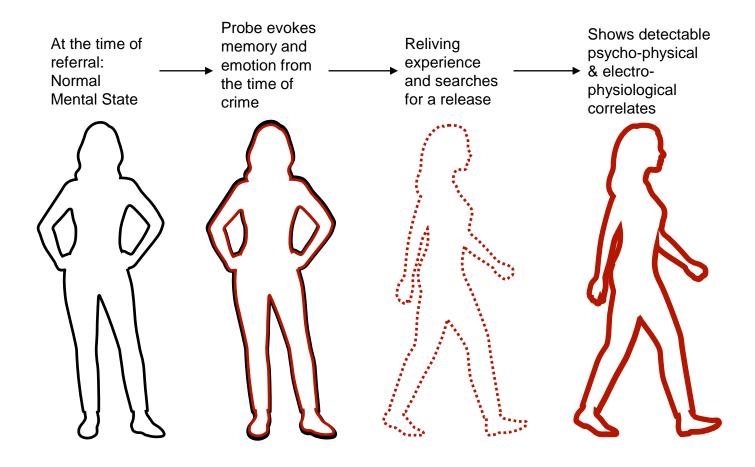
Experience stored in mind-body realm





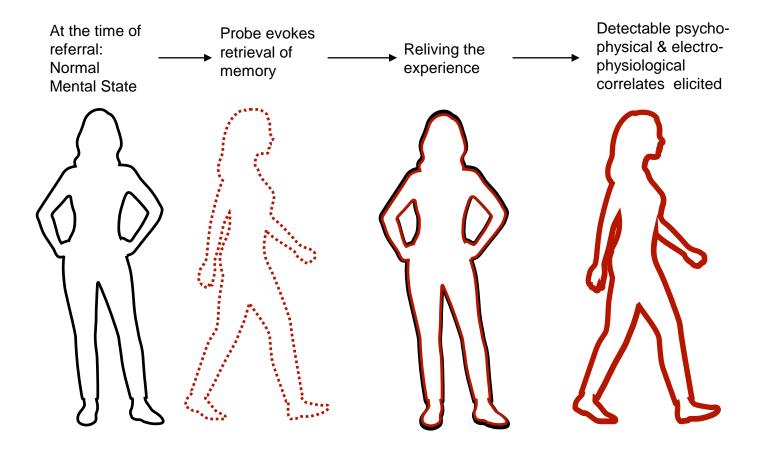
Sensory-Mental-Motor imageries Evoked: Retrieval





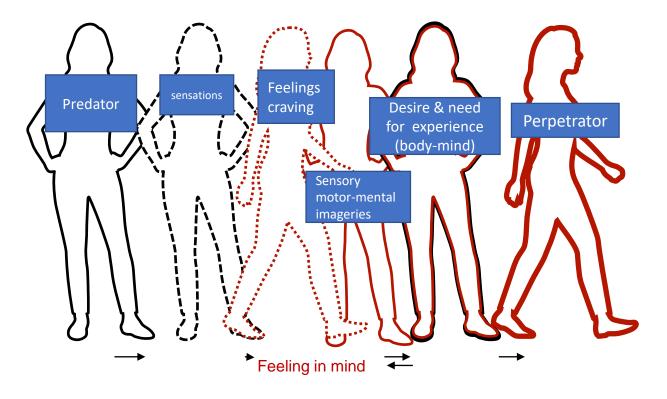
Sensory-Mental-Motor imageries Evoked: Retrieval





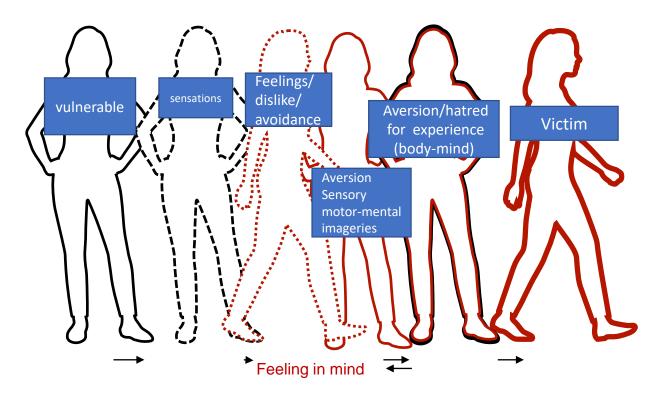


Predator to perpetrator





Experience of Victim



What is Behavioral Forensics



- Behavioural Forensic Analysis (BFA) employs principles and techniques of standard behavioral assessment in deducing causal evidence from forensic interview and psychometric data.
- It is the application of behavioral principles for the assessment and analysis of criminal behavior by psychological evaluations for legal purposes
- It explains criminal motivation, risk behaviors, custody, criminal responsibility, and competence to stand trial.
- Behavioural Forensic Analysis in pre- and post-sentencing evaluations can help to determine how to control risk of criminal recidivism or competency.

Behavioural Forensic Analysis to peer the Mind: Psychological Assessments for designing the probes

One important fact is even the most organized and complex of crimes are rehearse-led in the 'mind of the perpetrator'.

While physical evidence of crime scene may get lost in due course of time, experience of crime remains preserved in the mind-body realm of accused, victims, witnesses for lifetimes as a negative experience.

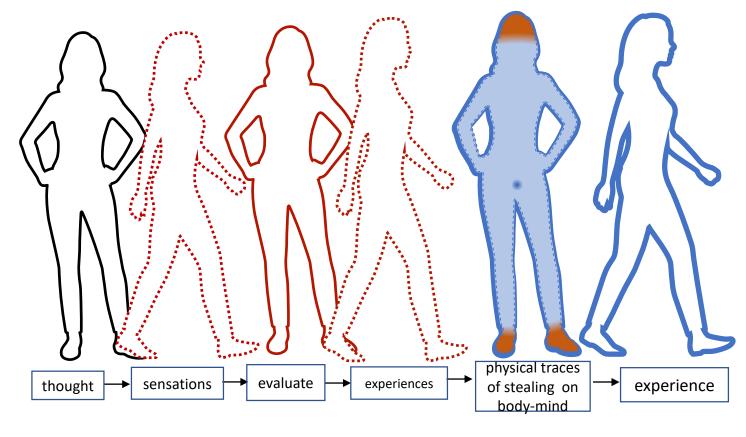
Forensic psychologists are left with no choice but to peer the mind by using forensic psychological assessments based on behavioral principles to understand thoughts, emotions and behaviour. Tools used for assessment and analysis of criminal behaviour are inventories, questionnaires, paper-pencil tests & projective techniques which are the gateways to open the mind. Psychometric data based on Behavioural clues is used in deducing causal evidence like a clinician. (Example, Anara Gupta case of J&K & Dausa District case referred by Rajasthan high court).

Behavioural Forensic Analysis of the crime scene evidence helps in understanding the mental status of the accused & the victim, their thought process, emotions & the resulting behaviour. This is the base for preparing probes for testing using technologies. It can explain intention, criminal motivation, risk behaviors, and competence to stand trial.

Mental health professionals tap the same store house of the victim for psychotherapy for healing purposes.







Forensic Evidence: Scenario in India



- Sec. 73 of the Indian Evidence Act, directs that any person can be asked to give a fingerprint or DNA examination even if they are the accused. The Code for Criminal Procedure has several provisions enabling the analysis by an expert in order to examine certain cases.
- There have constantly been concerns that forensic evidence given in a court of law violates the fundamental provisions of the law. According to Article 20(3) of the Indian Constitution, any person accused of criminal conduct cannot be forced to testify against himself. Many people believed that using fingerprints and DNA analyses for verification violated Article 20. (3). They contended that requiring the accused to provide fingerprints is equivalent to the accused providing evidence against themselves.
- However, in the case of State of Bombay v. Kathi Kalu Oghad and Anr.[1961 AIR 1808], the Supreme Court ruled that ordering anybody to provide forensic evidence such as fingerprints, blood, or hair sperm did not violate the clause of Article 20(3).
- As a result, DNA profiling and some other forensic evidences are widely accepted in courts worldwide.
- Read more at: https://www.lawyersclubindia.com/articles/relevance-of-forensic-science-in-criminal-and-civil-proceedings-15017.asp



Psychological Aids to Investigations

- The Hon'ble Supreme Court upheld the constitutionality of the use of narcoanalysis and lie detectors in the case of Ramachandra Reddy and Ors. v. The State of Maharashtra[1 (2205) CCR 355 (DB)], in 2006, to filter down prospective suspects by evaluating a criminal's behaviors and features; based on psychological evaluations, if the objects are seized from a criminal there is a contribution to the building of a thorough social and psychological profile of the perpetrator.
- But recently in the case of Selvi and Ors. v. State of Karnataka and Anr.
 [(2010) 7 SCC 263] held that if the person providing statements in brain
 mapping or narco-analysis test is in a semi-conscious state they cannot be
 considered conclusive and thus it cannot be made a part of the compulsory
 investigation process.
- Read more at: https://www.lawyersclubindia.com/articles/relevance-of-forensic-science-in-criminal-and-civil-proceedings-15017.asp

Psychology in the courtroom, with special reference to Section 84 IPC



- 16-year-old female suffering from tuberous sclerosis (rape victim, 2012: referral: (jurisdictional court)
- Behavioural clues connecting to LVA & confirmed by DNA.
- One important truth: even the most organized and complex of crimes are rehearsed in the 'mind of the perpetrator'.
- Forensic psychologists try to tap this storehouse for detecting deceptions using advanced technologies like LVA, SDS, Eye Detect, iCognative & BEOS
- These Behavioural clues gathered like clinicians are supplemented by Psycho-physiology/ electrophysiology-based correlates as evidence.







04/04/2022

Dead girl's trauma finds voice

Psychologist Tells Court About Rape Victim's Harrowing Account

TIMES NEWS NETWORK

Ahmedabad: After the death of the minor rape victim, her psychoanalysis is now being used to deliver justice and to nail the accused persons whose names the mentally-challenged victim could not even give to police.

After the girl, who was allegedly raped by at least nine persons the court had sought psychologists assistance in understanding and documenting details of multiple rapes and her trauma. The girl committed suicide a year later leaving behind a small child. In the on going court case in the city sessions court, formerdirector of Institute of Behavioural Science at Gujarat Forensic University -S L Vaya has given her testimony giving a voice to the dead girl's trauma.



from her as requested by the court and

timony before a city sessions court has of a daughter in September 2012, DNA come as only corroborative evidence to test was conducted on the baby and the Following the victim's death, there is what the victim had revealed during the accused but it did not match. no witness to take names of the accused investigation. And the description and before the court. But Vaya deposed be-revelation of facts have been quite simi-tar was arrested and put to DNA test. fore the court and narrated what the vic- lar. Vaya revealed before the court how This established that he is the biological tim had told her during her seven-day the victim gave nine names including father of the child and is being tried long sessions to extract information the three that have been arraigned in along with Ansari.

this case-Racesahmed Jamilahmed Ansari, Ranwar-ul-Haq alias Tutar and Mohammed Ali.

The expert witness said to the prosecutor M G Kapadia during the examination-in-chief that the victim described how the three friends used to rape her by giving her money particularly when their wives were away. The victim's description of crime scenes matched with the description of research scholars who later visited the place. The victim had told Vaya about the places where she was raped. These places included a stationed

The FIR was lodged when the minor girl became pregnant. On her descrippolice. girl became pregnant. On her descrip-After the victim's demise, Vaya's tes-tion, Ansariwas arrested. After the birth

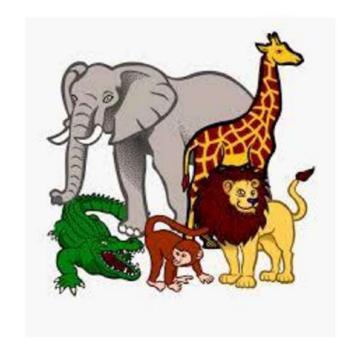
However, other accused person Tu-

04/04/2022



WILDLIFE CRIME & DNA







Gir Sanctuary Asiatic Lion Poaching Case: 2007

38 Poachers convicted

Why DNA Fingerprinting





Species Identification

Protein or DNA based analysis to determine the species origin of a sample (e.g. of samples collected from a suspected poaching operation).

Why DNA Fingerprinting



Individual Identification

DNA based analysis to determine the unique DNA fingerprint of an individual.

This analysis can be used to determine whether two samples (e.g. blood on a knife and meat in a freezer) are from the same animal.



Why DNA Fingerprinting

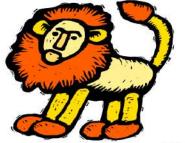
- Census
- Habitat area
- Family of the animal

Connect accused with the

specific animal



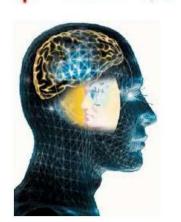








TERRORISM















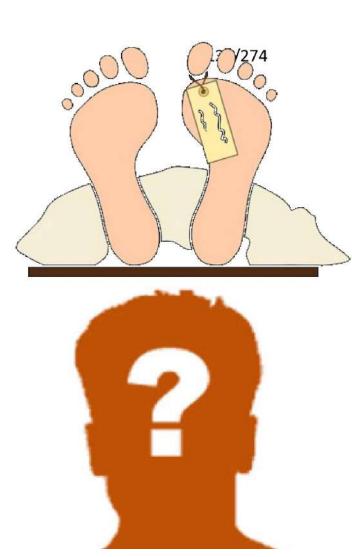


Suicide Bombers





Unidentified Dead Bodies





Unclaimed Dead Bodies





Body Fluids at the SOC

- Blood
- Sweat
- Spit
- Nasal fluid
- Saliva
- Urine







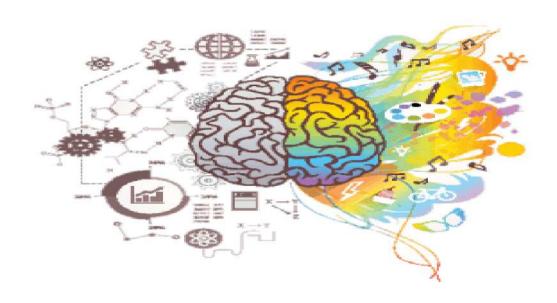




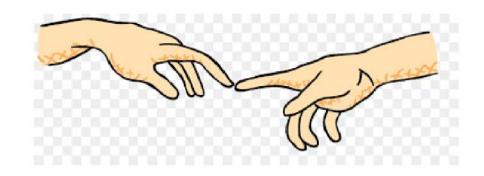


- Fingerprints
- Saliva
- Blood traces
- Body cells
- Perspiration

Creative & Innovative Forensics



Where there is a **TOUCH** there is a Trace DNA





DNA & Anti Corruption



DNA Finger Printing in a Trap case by Anti-Corruption Bureau, Gujarat



DNA in Anti-Corruption Case (Trap)



DNA tests for corruption return positive



Saliva Soiled Currency Notes





TIMES CITY SUNDAY TIMES OF INDIA, AHMEDABAD MARCH 18, 2018

ACB recovers money swallowed by vet



Fingerprints on Notes & Papers





Fingerprints & Body fluids: Digital Devices

DNA Test Blood Saliva Hair Skin Cell









shutterstock.com - 1600936861.







Data Banks: FP.

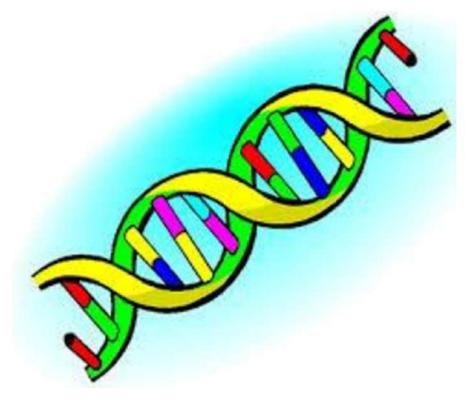


Data Banks: DNA



Matching: FP & DNA





How Long Does DNA Last?

DNA degrades over time,

How long it lasts depends on how well it's preserved.

- Factors such as :
 - Exposure to heat
 - Water
 - Sunlight

can cause the molecule to degrade faster







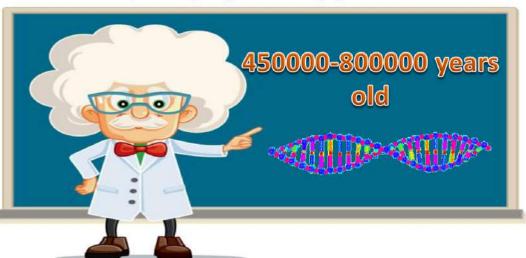
How Long Does DNA Last?

- Half-life of DNA the point at which half the bonds in a DNA molecule backbone would be broken — is 521 years.
- Under ideal conditions, DNA would last about 6.8 million years, after which all the bonds would be broken.
- But DNA would not be readable after about 1.5 million years.



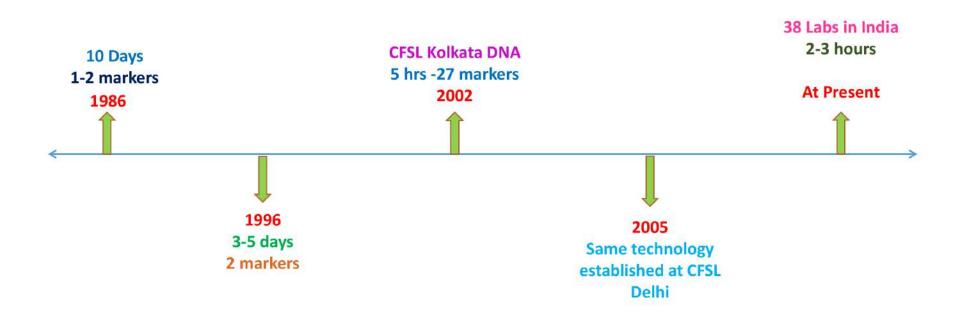
Oldest DNA ever Found

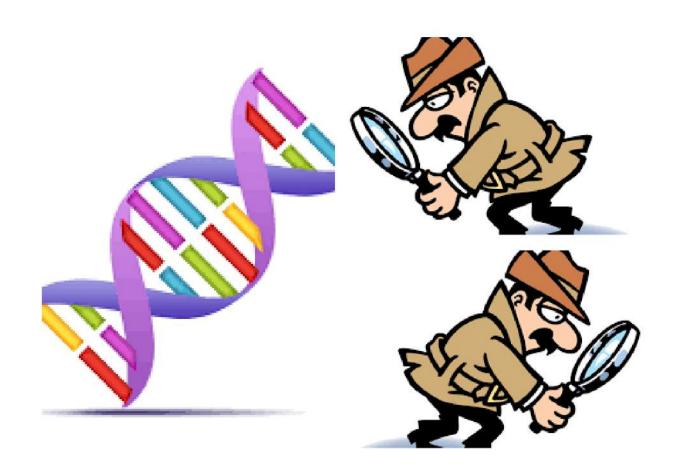
- Greenland ice
- Estimated to be between 450,000(four lakh fifty thousand) and 800,000 (eight lakh) years old.





Trends in Time taken for DNA Sequencing in INDIA

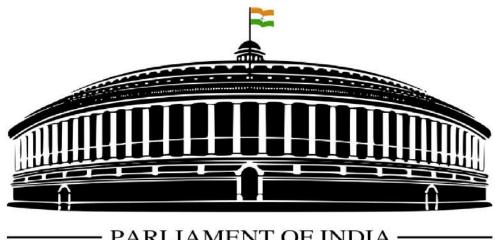




Detective DNA

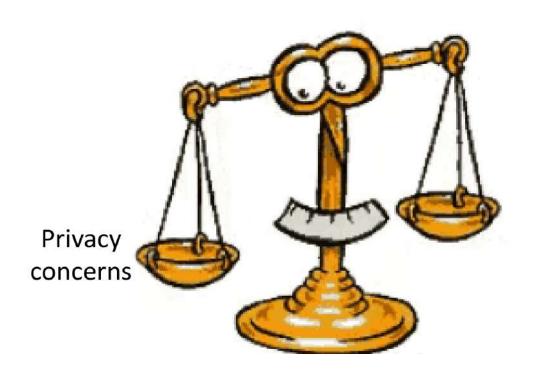
The DNA Technology (Use and Application) Regulation Bill, 2019

- The DNA Technology (Use and Application) Regulation Bill, 2019 was introduced in Lok Sabha on July 8, 2019.
 - The Bill provides for the regulation of use of DNA technology for establishing the identity of certain persons.



PARLIAMENT OF INDIA

The Balancing Test of DNA Database Legislation



Benefit to Society

Objectives of the DNA Technology (Use and Application) Regulation Bill, 2019





DNA's Revolutionary Role in Freeing the Innocent

Celebrating World DNA Day: The History of DNA and its Unique Role in Proving Innocence

USA Innocence Project



45%

of DNA cases involved the misapplication of forensic science

Source: Innocence Project

70%

of cases involved eyewitness misidentification

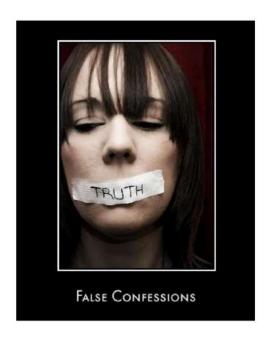
Source: Innocence Project

About 70% of all wrongful convictions are because of a wrongful eye witness

29%

of DNA exonerations involved false confessions

Source: Innocence Project



153

True suspects and/or perpetrators identified by post-conviction DNA testing



Source: Innocence Project

India's Innocence **Project**

22-March 2022

India may soon have an 'innocence network'

The network aims to provide legal support to wrongly-sentenced convicts for proving their innocence

HT Correspondent

letters@htlive.com

LUCKNOW: India may soon have an 'innocence network' that aims to provide legal support to wrongly-sentenced convicts for

proving their innocence.

As of now, 12 countries have innocence network or project

'innocence network' or 'project innocence'.

UP anti-terrorism squad (ATS) chief Dr GK Goswamy has been allowed by the UP government to be a part of the US-launched 'project innocence' in order to understand its

implementation modalities.
Goswamy is, perhaps, the country's first person to become

a part of the project.
"I am thankful to government for allowing me to go for the Fullbright-Nehru Academics and Professional Excellence Fellowship under which I have opted to do research on 'project innocence' which, in all likeli-hood, would soon be introduced in India also soon," said Goswamy.

He said he always wanted to go for the fellowship pro-gramme and in 2019 applied for

"I am happy to say that in the law segment of this programme, I was awarded the highest grades under which I can visit any of the US universities twice in two years to do my research on 'project innocence',' said Goswamy, 'Since foreign schol-ars were not allowed for the programme in 2020 and 2021 due to the pandemic so I was asked to complete my research work by December 2023, I am leaving on April 1," he added.

Project Innocence

"It ori ginated in US," he said and added that it would be a revolutionary move if replicated



There can be many causes for a wrong conviction. When wrong conviction is possible in developed nations. the same is quite possible in India too

GK GOSWAMY, UP ATS chief

in our country. In February this year, Reynaldo Munoz became the 3000th exoneree in US as notified by the National Registry of Exonerations," Goswamy

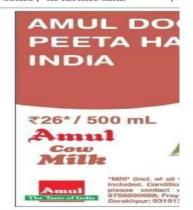
At the age of 17, Munoz was arrested for a murder in 1985 in Chicago that he had never com-

Chicago that he had never com-mitted, but was wrongly con-victed in 1986 with 60 years imprisonment," he added. Goswamy said if 'project imnocence' was implemented in India, it would help in dealing with wrongful convictions here, too. The project, when imple-mented, would be taken care of by a team of legal experts, who would help in getting wrongly convicted individuals freed.

"There can be many causes for a wrong conviction. It could be mistaken eyewitness identification, false confessions, tunnel vision, defective informant testimony, plea bargaining, police and prosecutorial misconduct, inadequate defence representation or forensic imperfections and expert misconduct, including forensic frauds," he said.

When wrong conviction is possible in developed nations. the same is quite possible in India too, he added.

However, he said that replicating the same system would not be an easy task. "There are certain questions like: How the project will be replicated in India? What kind of cases would be tackled under this project? On what basis the cases would be categorized? These and other implementation modalities would be cleared only after the completion of my research work on 'Project Innocence'," he further said.









Limitations & Problems In DNA Testing



What are the limitations of DNA testing?

No-suspect Cases:

- A full DNA profile is powerful evidence,
- but it's not always going to lead investigators to the perpetrator.
- There must be a matching profile available to compare it to—either in a database or from a known sample.
- There is no master database that contains everyone's DNA information.



What are the limitations of DNA testing?

Partial Profiles: In cases where samples have very low quantities of DNA, are exposed to extreme environmental conditions or are not properly preserved, it may be difficult to obtain a full DNA profile and the test may only yield a partial profile. However, partial profiles may still be helpful in determining if an individual could be included or excluded in the investigation.



Do Twins share same FINGERPRINTS?











Identical twins share a lot of similarities in both their:

Genetic makeup and their # Physical appearances.

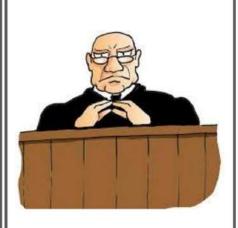
But,

identical twins all have unique fingerprints.











REPRESENTATIVE DNA EVIDENCE BASED CASES INVESTIGATED DETECTED CONVICTED



1991, Rajiv Gandhi Assassination Case

This was the first case in which DNA fingerprinting was used to:

- Identify victims.
- The attacker.



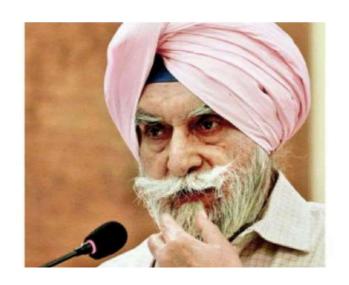






1995, Beant Singh Assassination Case

When then Punjab DGP KPS Gill suggested that the assassin could be a "human bomb", it was initially not taken seriously. However, DNA fingerprinting of the victims showed one of them to be Babbar Khalsa operative Dilawar Singh.











JUDGMENT HIGHLIGHTS





"Merits of DNA report"



2012, Nirbhaya Gangrape Case

All the accused were sentenced to death based on the dying declaration of the victim and DNA evidence.



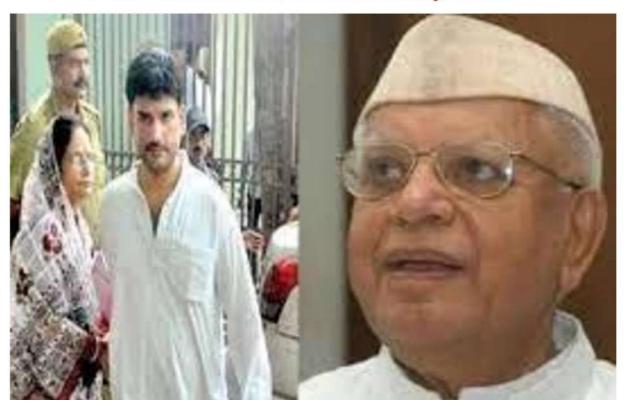


2013, Hyderabad Blasts Case

from the house helped NIA secure convictions



ND Tiwari: Paternity case





Internationally acclaimed case: Saddam Hussein of Iraq Identification



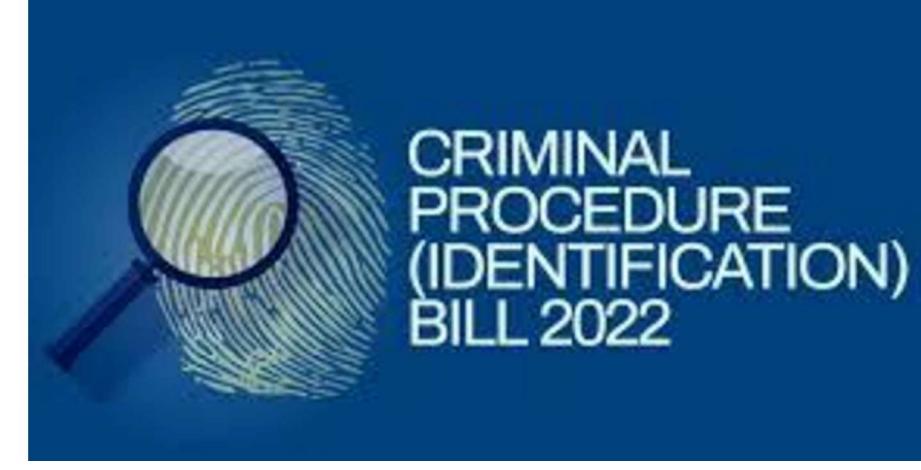


DNA Test confirmed Identification

https://www.newscientist.com/article/dn4481 -fast-track-dna-tests-confirm-saddamsidentity/

- Fast Track DNA Tests
- Saliva
- Swab
- Two sons killed
- Iraqi Military had DNA Profile stored







Old Act 1920 & New Act 2022

The Criminal Procedure Identification Act 2022



1920 Act

Fingerprints

- Footprints
- Photographs









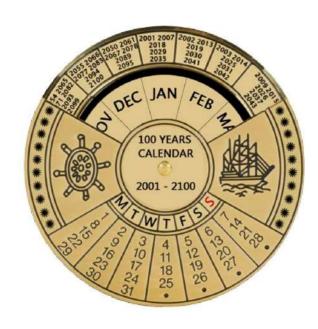
New Act 2022

- Biological samples & its analysis
- Behavioural attributes : Signature & Handwriting
- Examination under Section 53 & 53A of CrPC
 - Blood , Semen , Hair , swabs and DNA Analysis



Forensic Epigenetic Analysis: The Path Ahead

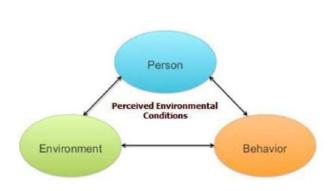


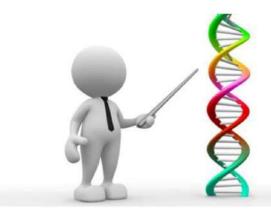




Epigenetics

Epigenetics is the study of how your behaviors and environment can cause changes that affect the way your genes work. Unlike genetic changes, epigenetic changes are reversible and do not change your DNA sequence, but they can change how your body reads a DNA sequence.







Behavioural Forensics with the Digital trace analysis is the future of crime investigation



Thank you



