

# Important Role of Handwriting Science in Court



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## Abstract

Forensic Scientists are in the era of advanced technology where every moment there is a gradual change in the previous theory which can be observed and clarified by the new logical reasoning and theory supported by the scientific techniques. Change in trends and adaptation of fast developing technologies by antisocial element/criminals makes it more difficult to tackle criminal activities by law enforcement agencies. The current forensic scenario is not only achievements in solving complex nature of criminal cases but the forensic scientists are also being tangled by the criticism in courtroom testimony in terms of knowledge, techniques used for examination and analysis as well as skilled expertise. In many cases, the paid lawyers often ask variety of critical question pertaining to the examination method, scientific techniques and effectively use for the sake of their own will and wish. They do such criticism only to maintain themselves in the courtroom within the criminal justice system. At present scenario, criminal cases encountered by the forensic document experts, while expressing the opinion it becomes a very high responsibility of an expert to represent forensic evidences based on scientific methodology in more convincing opinion that can be used effectively in investigation and interpreted before the court of law for justice with their true value.

**Keywords:** Forensic Scientist; Questioned Document Examination; Challenges

## Introduction

Forensic Science is a fast developing science which is the backbone of our criminal justice system. Our experience during the last two decades has illustrated that more complex nature of cases are being increased in the field of questioned document examination. In India, the laboratories which are under Central Government as well as State Government, the forensic document experts are being engaged in examination of huge number of cases which are required to be reported within a time bound period. They are playing a major role in solving the criminal cases in favor of criminal justice system, however, many of Questioned Document Examiners are often criticized by some authorities regarding not to expressing opinion on some issue due to limitation of the field. Expressing opinion is not only the motive of any trained, skilled and knowledgeable expert because scientific link with proof of evidences is must to convince the court. The effectiveness of the opinion is only evaluated during the court testimony by understanding the purpose of justice with their true value.

The issue on performance of the Forensic Document Experts are discussed many times at various platforms but not actively taken in practice for uniform report writing practices, previously. Recently, various issues related with forensic report writing pattern was discussed in detail and this important aspects related with the uniform pattern of report writing is taken in consideration in various state and Central Government

Laboratories of India. Few studies have been conducted and reported by the committee which was constituted by the Ministry of Home Affairs Government of India in past years. However, still more focused efforts would be required for effective use of tool and techniques in order to strengthen forensic document science. Henceforth, it is not time to criticize the scientific working of questioned document expert but to become more judicious in analyzing the future challenges of this field. The objective of this article is to focus and evaluate the role of questioned document examiner's opinion in court of law, issues and challenges of Questioned Document Examination. Previous research has totally focused on development of science and technology. However, at present scenario, the situation has gone through changes, more advanced research are coming up and are going on simultaneously by adaption of the fast developing technologies with coordination to Universities and Central Forensic Science Laboratories.

Forensic document experts, while expressing the opinion it becomes a very high responsibility of an expert to represent forensic evidences based on scientific methodology in more convincing opinion that can be used effectively in investigation and interpreted before the court of law for justice with their true value. This field of document science possesses absolute uniqueness in terms of examination analysis as well as in interpretation of data in the form of evidence. The output of

hard-work of the questioned document expert in the form of his/her opinion is the only proof of evidence to come on conclusion for justice. However, such evidence remain as it is, until the significant proof of potential scientific evidence are effectively interpreted in courtroom by the expert and positive attitude towards the act of discussion which takes place between both scientific experts and legal personal in front of jury for justice.

### Role of Handwriting Science in Justice

Forensic Science is a science of justice and is an application of all branches of science. The forensic document examiners are recognized as scientific experts and are honored worldwide in forensic science community. The opinions submitted by experts are the only proof of evidence for criminal incident because the document speaks for themselves about their contents. The duty of document examiner is to determine whether document is genuine or forged. Forensic document expert testimony is recognized from past 100 years, it is the oldest branch of forensic science, well accepted in the court of law. However, the field of questioned document is still in ignorance in comparison with other branch of forensic science. Forensic document examiner analyses the frequency of occurring incident of handwriting characteristics available in the questioned document and standard document by process of comparison and applying the principle of Handwriting Science in order to calculate the natural variation between both the sets of handwritings. Technical skill of forensic expert and the well detailed listed reasoning in opinion to present the fact of any criminal case is in practice to testify in court of law [1-8].

The knowledge and experience of forensic document examiner for his/her competency is testifying by examination-in-chief during court testimony. Today, we are living in a digital era, which has a great impact on our daily life as well as on our society, due to this we can observe a drastic change in criminal scenario, since criminals are indulging with advanced technologies and utilizing these sophisticated facilities with wrong intensions. Due to this reason, the task of document examiners has now become more tough and complex. Hence, it is high time to standardize the new and advanced scientific techniques which can be appropriately utilized in solving such criminal cases in field of Questioned document examination rather than using the traditional one. The opinion with more accurate reasoning, based on scientific examination linked with criminal activities as a proof of forensic evidences that would definitely help to arrive at final conclusion in administration of criminal justice system.

No doubt the role of forensic document expert opinion's necessity as well as expert's witnessing the administration of criminal justice system depends upon his/her honesty, competency, skill, upgraded knowledge acquired, training and experience, and awareness of the limitation of field. It also depends upon the ability of the forensic document expert to interpret the fact before court with appropriate reasoning

given in opinion/conclusion drawn based on scientific analysis, which would prevent false imprisonment and miscarriages of justice. This also strengthens the maximum utilization of forensic science practices as an aid to crime investigation and administration of justice. There is a new trend adopted to create doubt on the reliability of expert's evidence with introduction of media trail and questioning on expert's honesty. Forensic document expert bear various difficulties while they work with provided crime exhibits related with document examination, however it very important to notice that "The forensic document experts are bound with the limitation of the field.

It is often very difficult task to answer all queries asked by the investigating agencies in the laboratory during process of examination and framing opinion. Hence, there is a significant difference observed while answering the question for preparing the opinion during examination and answering during court testimony, it becomes complex for coming with the same an Swenson critically tangled questions frequently asked by the paid layers in the courtroom". This is only because of simple reason; every question encountered by forensic document expert to solve or answer is based on scientifically rigorous and understandable manner which he/she has to proof during the court testimony. It is must to clarify the expert witness by cross examination as well as justify the scientific evidence presented by the experts in courtroom with proof offorensicevidence in order to convince the courtroom authority for their true value of justice. A judicious forensic document expert clarifies all possible questions first themselves during the process of examination of forensic exhibits related with criminal cases in laboratory which may probably arise in courtroom.

This definitely facilitates them to withstand more confidently in the courtroom where they have to proof themselves in favour of criminal justice system. The admissibility of any opinion of questioned document experts evidence can only improve by the given fact in more scientific manner based on systematic scientific analysis and its interpretation during court testimony which could be easily understand by lay man who is neither known to science nor aware with law only seeking justice. During the process of examination of handwriting characteristic, the evaluation is based on an expert's own skill, specialized knowledge and empirical research. Adaptation of Scientific attitude towards the standardization of techniques and validation of methods are best ways to overcome from critics in courtroom. It is noticeable that opinion expressed by the experts in the form of result reflected positive, negative or inconclusive must be explained in detail with simple language so that it would be easy to understand what the implication of that opinion is.

Thus it is very important for qualified, skilled and experience forensic document expert to understand the issue and apply the appropriate scientific method to analyze any criminal case and cross check the same prior to come with final opinion/conclusion in order to produce flawless evidences by calculating the errors/

limitations of the finding with more accuracy. Henceforth, the true value of expert opinion may be yielded for the purpose of justice with assurance that report is based on scientific techniques which includes both values and limitations. Besides the report writing, the validity and reliability of forensic document examiners is also generally questioned all over the world. It is very easy to point out question on forensic document expert but very difficult to complete the given task for the purpose which they are serving this scientific community. The hard work done by the questioned document expert in rigorous examination of any criminal cases itself become valuable if all possible error may scientifically evaluated with accuracy before concluding the final opinion. This will definitely help both to improve scientific image in the form of credibility of forensic document experts as well as in order to meet the future challenges.

All forensic document experts, existing all over world crime laboratories are in a state of criticism on their own scientific field limitations. It becomes a good lesson for the forensic community to focus themselves in strengthening and enriching their field with equipped advanced novel techniques and enhancing scientific knowledge. For the challenges highlighted above, the forensic community needs to discuss the issues in scientific forum in search of practical solution to remove the current inadequacies. Finally, the challenges are also laid before the forensic document expert and law enforcement agencies to allow the scientist to represent their difficulties and enriched their skill in the appropriate way to solve any case by maintaining the scientific relationship between science and law with honesty. So that the scientific contribution of forensic document experts would be utilized for actual objective of investigation and examination of criminal cases and the opinion expressed by the experts assists the jury in concluding the final judgment for justice.

### Result and Discussion

In spite of limitations of forensic document field, our concern is still focused on robustness and admissibility of the evidence during the court testimony. It is our high responsibility as an expert not to dilute our integrity and credibility at any cost. The effectiveness of expert's opinion will be definitely respected in terms of acceptability of the report produced on basis of scientific examination. The reliability of the forensic document experts cannot be access by the difference of opinion. Any general disagreement between scientist and legal representative and others may review for better understanding of the fact with availability of scientific data. The opinion of questioned document expert is unique in nature hence play more significant role in criminal justice system. Sometimes it becomes very tortuous to answer random questions which are deliberately asked and are also not directly related with concerned matter during court testimony. It is upto the wit and wisdom of a sound expert, how to tackle the situation.

All these questions are generally focused on the expert's skills, knowledge and qualifications rather than the opinion given with reasoning. Hence the experts need to proof his skill, qualifications, relevancy to the fact of reasoning expressed with the opinion. During the past three-four decades due to evolution of the hi-tech forensic techniques, the discipline of forensic science has gradually improved in terms of understanding the research & development as well as standardization of methods by adopting new techniques in document examination. The field of forensic document examination has significantly recognized at par with other branch of science in terms of utilization of principles of scientific test methods as well as state-of-the-art science and technology to analyze and solve the criminal cases. Most appreciable thing is that major advancement of technologies in forensic document examination can correlate with computerization with the instrumental system. All these development definitely assist the forensic document expert to explain their scientific view in the debates surrounding the interpretation and presentation on proof of evidence in the court room.

### Conclusion

There is an urgent requirement for modern time to adopt new, effective and scientific techniques in investigation of crime growing at a great relevance. Also there is need to reform as well as upgrade the technical forensic facilities in all forensic laboratories which could be utilized by Forensic Document Experts to solve the criminal cases in favour of criminal justice system with more reliability. Moreover we also require an excellent forensic association with effective work outline within the forensic science field for its actual purpose that is to serve the justice. The effective use of forensic science can be observed as a powerful tool in order to solve criminal cases in favor of criminal justice system. There is no doubt that great amount of knowledge of all the branches of science including law is essentially required to fulfil an increasing demand all over the world for people in this profession. At the same time adaptation of scientific aptitude by the forensic professionals, expansion of forensic science laboratories with modern tools and techniques to overcome the limitations and strengthen the forensic document examination field is must without any delay in order to meet the future challenges.

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