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FORENSIC PSYCHOLOGICAL ASSESSMENT OF CRIMINAL BEHAVIOUR: THE ROLE OF PSYCHOLOGICAL TESTING IN COURTS

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BEST CITATION - RAMYA DEVI K, THE CHAIN OF CUSTODY IN CRIME SCENE MANAGEMENT, *ILE JOURNAL OF LAW AND FORENSIC SCIENCE (ILE JLFS), 3* (1) of 2025, Pg. 13-22, APIS – 3920 – 0047 | ISSN - 2584-2358.

ABSTRACT

Forensic psychological assessment plays a crucial role in criminal investigations, helping to analyze an individual's behavior, personality, and character to determine their credibility. In India, while forensic psychology is recognized as an important tool in the legal system, its application is still evolving.

The legal status of forensic psychological tests in India has been discussed in various research papers. techniques such as polygraph tests, brain mapping, and narco-analysis are sometimes used to extract concealed information from suspects, but their admissibility in court remains a debated issue. the Supreme Court has ruled that these tests cannot be conducted without the consent of the individual, as they may violate fundamental rights under Article 21 of the Constitution.

Forensic psychologists contribute significantly to criminal investigations by providing expert opinions based on psychological assessments, verbal and non-verbal cues, and behavioral analysis. their insights, however, must be considered alongside other evidence, interview reports, and expert testimonies to ensure a fair and balanced legal process.

Keywords: Forensic psychological assessment, crime investigations, polygraph test, brain mapping, narco-analysis

INTRODUCTION

The field of forensic science is an essential component of the legal system. Forensic experts investigate and evaluate evidence found at crime scenes. Forensic Psychological Assessment is a method used in this series to analyse an individual's behaviour, personality, and character in order to determine the deceitful individuals and eliminate innocent ones from the suspect list for the court. By doing this, we can substitute the third-degree approach with a psychological method.

This way, we can also confirm the truthfulness of what the accused, suspects, and witnesses have said. Both the Supreme Court and the Human Rights Commission do not set specific guidelines that limit the use and importance of forensic psychological assessments. 'One-to-one interaction with the forensic psychologist will conduct appropriate psychological tests and offer his opinion based on the verbal, non-verbal and behavioural analysis of the subject'[24].

'Modern forensic psychiatry has benefited from the evolution in the medico-legal understanding and appreciation of the relationship between mental illness and criminality, evolution of the legal tests to define legal insanity and the new methodologies for the treatment of mental conditions that provide alternatives to custodial care'[25]. Conclusion about past mental state with available present mental state findings is criticized by some as interpretation of reality rather than identifying objective reality[3].

24 Yashwardhan Singh Sandhu and Kanishk Nawal, "Forensic Psychological Assessment" *Journal for Law Students and Researchers* (2020).
25 T. V. Asokan, "Forensic psychiatry in India: The road ahead," 56 *Indian Journal of Psychiatry* 121 (2014). [3] *Ibid.*

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Thereby, the research aims to understand how a person's psychological assessment is conducted, as well as the laws governing its legality in India. And also, to understand that the insights of the forensic psychologist would be helpful and must be considered along with other evidence, interview reports, and expert opinions.

RESEARCH PROBLEM

The research problem focuses on the role and admissibility of psychological assessment tests and the factors that limit their usage within the Indian legal system. Specifically, it seeks to examine the criteria and judicial interpretations that influence their acceptance. And also, it seeks to investigate if there are established rules on the validity of psychological evaluation tests in United States of America, United Kingdom, Australia, Canada and South Korea enabling a comparison of global legal norms and procedures.

RESEARCH QUESTIONS

1. Whether the judiciary's acceptance of psychological assessment tests in specific cases while rejecting them in others highlights inconsistencies and lacunas behind such judicial discretion?
2. Whether there are general principles regarding the admissibility of psychological assessment tests in United States of America, United Kingdom, Australia, Canada and South Korea?
3. Whether general principles regarding the admissibility and use of psychological assessment tests be adopted uniformly within the Indian legal system?

RESEARCH OBJECTIVES

1. To examine judicial interpretations that influence the admissibility of psychological assessment test in Indian courts as evidence.
2. To study the accepted principles concerning the eligibility of psychological assessment tests in United States of America, United Kingdom, Australia, Canada and South Korea, enabling a comparison of global legal standards and practices.
3. To assess the need for the formal adoption of general principles governing the admissibility and use of psychological assessment tests within the Indian legal system.

RESEARCH METHODOLOGY

The research paper follows a doctrinal research method, gathering information from both primary and secondary sources. Secondary sources include journal articles, research papers, and books from platforms like Google Scholar, Economic Times, JSTOR, Hein Online, and Research Gate. Primary sources encompass laws, rules, regulations, press releases, case law, and references to landmark judgments.

SCOPE AND LIMITATION

This study will concentrate on how psychological assessment tests are used in the legal system of India, specifically analyzing their acceptance as evidence in court. The research will examine the current judicial understandings and standards that impact this admissibility. The study will also involve a comparing the established rules related to the acceptance of psychological evaluation exams in United States of America, United Kingdom, Canada, Australia, South Korea, emphasizing global norms and procedures.

A drawback of this research is about the differences in how judges interpret laws in various courts may present obstacles, potentially impacting the uniformity of research results. And, Limited access to extensive information on psychological evaluations and legal proceedings can also restrict the research.

LITERATURE REVIEW

- Yashwardhan Singh Sandhu and Kanishk Nawal, "Forensic Psychological Assessment" *Journal for Law Students and Researchers* (2020).

This Article explores the meaning, definition of forensic psychological assessment and their objectives. It also provides the insights on application and procedure. Second part also deals with legislative provision in India with regards to forensic psychological assessment. Lack of empirical data or case studies hinders support for claims about the effectiveness and challenges of forensic psychological assessments in India. Adding this data would enhance the credibility of the arguments made. And it would be advantageous to include a variety of stakeholder viewpoints and backgrounds to achieve a more insights of the issues.

- T. V. Asokan, "Forensic psychiatry in India: The road ahead," 56 *Indian Journal of Psychiatry* 121 (2014).

This research paper examines the overlap between forensic psychiatry and the legal system in India, with a specific emphasis on the challenges surrounding the use of psychological assessment tests as valid evidence in court. Forensic psychiatrists also grapple with ethical challenges when trying to uphold both patient well-being and public safety.

The article does not include a comparison of forensic psychiatric practices in various regions, lacks empirical evidence or case studies to back up its assertions, and fails to thoroughly examine the real-world effects of suggested legislative updates.

ANALYSIS OF JUDICIAL ACCEPTANCE OF PSYCHOLOGICAL ASSESSMENT TEST IN INDIA

Forensic psychology bridges the gap between law and psychology. Psychologists offer expert opinions that aid in legal decisions and perform psychological tests known for their objectivity and accuracy. These tests help in making fair judicial decisions and judgments. There is various area where forensic psychologists help is needed in the area of determination of workers' compensation, disability, personal injury, criminal activity and child custody.

There is no proper definition of forensic psychology, but this issue is common in all areas of psychology and science in general. A question arises, "What is forensic psychology?" is an important one to consider. In general, psychological expert deals with psychological issues in assisting to the courts, parties to the legal suit, administrative judicial and other body which acts under the judicial capacity. In the United Kingdom, it has been suggested that "the Forensic Psychologists should possess legal as well as psychological and psychometric knowledge and skill (DCLP Training Committee 1994)"[26].

Even in the case of ***Adesh Kumar v State of U.P And Another***[27], the Court observed the role of forensic psychologists, which is described as follows; 'The three Tests namely Narco Analysis Test, Brain Mapping Test and Lie Detecting Test are called Deception Detecting Tests (DDTs) which implies psychological evaluation of human brain The DDTs are useful to know the concealed information related to crime'. 'This information, which is known only to self, is sometimes crucial for criminal

[26] "Forensic Psychological Assessment of Criminal Behaviour" *Egyankosh*.
[27] 2020: AHC:119817[5]

investigation'. 'Hence, much effort is devoted by the forensic psychologists in developing different techniques and methods to detect lies'.[28] 'They have contested that it is safer than *third degree methods* used by some investigators. Here, the claim is that, by using these so called, *scientific procedures* in fact-finding, it will directly help the investigating agencies to gather evidences, and thereby increase the rate of prosecution of the guilty and the rate of acquittal of the innocent. Recently, these methods are being promoted as more accurate and best to none, without convincing evidence.'[29]

Recently, '***In Re: Alleged Rape and Murder Incident Of A Trainee Doctor In R.G. Kar Medical College And Hospital, Kolkata And Related Issues***'[30]. The Supreme Court took notice of the rape and murder of a trainee doctor at RG Kar Hospital. The CBI conducted psychological tests on the prime suspect and interrogated key figures[31]. A team of psychology specialists from the Central Forensic Science Laboratory (CFSL) is conducting prime suspect's interrogation. The investigative agency also questioned the former principal of RG Kar Medical College and Hospital. The case is still proceeding in the court of law. For instance, in this Kolkata case accused's criminal profiling showed that he was "addicted to pornography" and had no remorse for his crimes. According to an officer, accused described the crime in detail without showing any emotion, indicating his lack of guilt.

Rajesh Talwar & Anr vs Cbi & Anr on 8 October, 2013[32], famous Arushi Talwar case. Psychological analysis test was taken for the 3 prime suspects. Ultimately, the Supreme Court dismissed the petition, finding no valid reason to interfere with the lower courts' decisions. The psychological assessment and other scientific tests were *not accepted as evidence* in this case.

Sunita Devi and Another Vs. UOI[33], in this case daughter-in-law of the petitioner and her two children were murdered. The final report was against the husband. The trail court observed that investigation has not been carried on properly. High court confirmed its judgement and constituted a Special Investigation Team to reinvestigation. SIT filed its report before Supreme Court. Here accused gave deceptive responses in polygraph test in all critical questions.

The report from Central Forensic Science Laboratory (CFSL), New Delhi, indicated that accused gave deceptive responses during a polygraph test concerning critical questions about the crime. The expert further stated that forensic psychological assessments and statement analyses also revealed accused's deceptive behaviour regarding his knowledge and involvement in the crime. Though accused could not undergo the polygraph test due to medical reasons, forensic psychological assessments indicated that he, too, was deceptive in his statements about his involvement in the murders. Thereby, forensic psychological assessment test was *not considered as evidence*.

USING PSYCHOLOGICAL ASSESSMENT TEST TO PROVIDE APPROPRIATE PUNISHMENT

Chhannu Lal Verma Vs. State of Chhattisgarh[34], in this case High Court confirmed death sentence without applying law laid by Supreme Court in various other decisions. No analysis was taken for the uncommon nature of the offence. There was no proper psychological/ psychiatric evaluation was conducted in regards to the possibility and probability of the reform of criminal[35]. 'Without the support of a psychological or psychiatric assessment, it would not be proper to hold that there is no possibility

[28] *Ibid.*
[29] Adesh Kumar vs State of U.P. And Another on 17 November, 2020
[30] SMW (Crl) No 2 of 2024
[31] "Kolkata rape-murder: Supreme courts take suo moto cognizance, CBI takes psychological tests of accused; top developments," *The Times of India*, 18 August 2024.
[32] 2013 (82) ACC 303
[33] (2019) 5 SCC 658
[34] 'Chhannu Lal Verma v. State of Chhattisgarh, (2019) 12 SCC 438'
[35] Ibid.

or probability of reform'[36]. The state must consider this key factor when providing evidence that the convict cannot be rehabilitated or reformed.

In case of ***Vikas Chaudhary Vs. State of Delhi***[37], a young man was kidnapped and murdered in the same day by strangulation. His body was also burned to destroy the evidence. The victim's father filed the complaint and later received six ransom calls[38]. The investigation led to the arrest of three accused with evidence linking them to the crime, including the recovery of the victim's belongings and the car used in the abduction. The trial court convicted the three under various sections of the IPC and sentenced to life imprisonment without parole for 30 years, along with fines and compensation.

This case considered various other cases such as ***Manoj v. State of Madhya Pradesh***[39]***, Rajendra Prahladrao Wasnik***[40]***, Chhannu Lal Verma V. State of Chhattisgarh***[41] and several other decision and law commission reports and held that, the trail court must collect information from both the sides, i.e., from the accused and the state in the case which involves capital punishment. *The state should provide psychiatric and psychological evaluations of the accused, conducted close to the time of the crime, to assess the accused's mental state and potential mitigating factors.* This evaluation helps the appellate courts assess any progress made by the accused towards reform during imprisonment. Adding to this, the court should request a report from jail authorities on the accused's behaviour, work, and activities during imprisonment. If there has been a significant gap between the trial and appeal, a fresh report, including updated psychiatric evaluations, should be provided to assess the accused's current state and reformative progress. Thereby, it is mandated for the prosecution to produce before session courts, material disclosing psychological and psychiatric evaluation of the accused which has to collected beforehand.

In this case, the court directed to prepare of three reports, in which it includes psychological evaluation report. The accused went through psychometric evaluation[42], which showed no clinical signs or symptoms of any mental disorder, and the report made no negative conclusions. And the other reports showed the court that he had no prior criminal record and with the help of the psychological test it asserted that he maintains a strong relation with his family. The probation report also indicated that there is significant potential for his reformation and reintegration into society. *Thereby, the court modified the sentence awarded.*

Recently, The Supreme Court stressed the importance of psychological evaluations of death row prisoners by expert doctors and their access to mitigating investigators before hearing appeals against death sentences. This landmark ruling builds on the 1980 judgement that limits capital punishment to the rarest of rare cases and required consideration of both aggravating and mitigating factors. A Bench led by Chief Justice U.U. Lalit in case of ***Manoj v. State of M. P***[43].., noted that these reports would help the Court form a comprehensive understanding of the convict's physical and mental condition[44]. It directed state governments and prison authorities to form a team of medical experts, including a psychiatrist and psychologist, to assess the convict and submit their findings before legal submissions are made[45]. This judgment extends beyond death row cases,

[36] Note: During the process of reformation the authority actually tries to purify the mental condition of the offender.
[37] Vikas Chaudhary v. State (NCT of Delhi), 2023 SCC OnLine SC 472
[38] Ibid.
[39] (2023) 2 SCC 353
[40] (2019) 12 SCC 460
[41] (2019) 12 SCC 438
[42] Note: A psychometric evaluation is a scientific test that assesses a person's cognitive abilities and personality traits.
[43] Manoj v. State of M.P., 2022 SCC OnLine SC 677
[44] "Psychological test of death row convicts is essential, says Supreme Court,"*available at*: https://www.justicenews.co.in/psychological-test-of-death-row-convicts-is-essential-says-supreme-court/ (last visited October 23, 2024).
[45] "Editorial: Mind the act,"*available at*: https://www.telegraphindia.com/opinion/editorial-mind-the-act-psychological-assessment-of-death-row-prisoners-is-an-important-step-in-modernizing-the-justice-system/cid/1854379 (last visited October 23, 2024).

highlighting the importance of assessing the mental health of all prisoners, not just those facing capital punishment.

The Supreme Court's ruling in ***Selvi vs. State of Karnataka*** **(2010)**[46] emphasized that psychological tests require voluntary consent, obtained without coercion. The effectiveness of psychological profiling depends on the expertise of the psychologists and the quality of data collected. It is not fool proof and should be used alongside other evidence like forensics and witness statements for a comprehensive investigation.

Admissibility of psychological assessment tests in legal proceedings in guided by the Bharatiya Sakshya Adhiniyam, 2023. Section 39[47] of BSA, which deals with expert testimony. These sections allow for inclusion of expert opinion. The main key factors for admissibility are relevance and necessity, expert testimony, scientific validity, no invasion of privacy and if there is no potential for bias. When certain cases do not find relevancy or reliance. This can be seen in various cases such as in ***State of Maharashtra v. Sukhdeo Singh***[48], empahsied that scientific evidence must be scrutinized and admit if it is relevant and reliable. In ***Murari Lal v. State of Madhya Pradesh***[49], stated that the reliability of the methods used in crucial for the admissibility of expert evidence. In ***Ramesh Chandra Agrawal v. Regency Hospital Ltd***[50]***,*** emphasised that need for expert evidence have to be based on scientifically accepted principles.

Professor N. R. Madhavan, the head of the drafting committee for the National Criminal Justice System Policy, advocates for the incorporation of scientific methods in criminal investigations in India[51]. The utilization of forensic evidence in India has been greatly impacted by the decisions made by the Supreme Court. For example, rules that were first created for DNA testing in paternity cases are now also being applied to criminal cases.

GLOBAL ADMISSIBILITY PRINCIPLES

UNITED STATES OF AMERICA (USA)

There is various psychological assessment test used in the United States such as Minnesota Multiphasic Personality Inventory[52] (MMPI), Myers-Briggs Type Indicator[53] (MBTI), DISC test[54], Caliper Profile and many more. 'Once the forensic psychological evaluation is completed and the report is submitted to the court, the examiner may be called to testify regarding their findings during an evidentiary hearing, most commonly to determine if a defendant meets the criteria for competency to stand trial, as part of an insanity defense'[55].

United States v. Williams[56]**,** The case involved a motion to exclude certain psychological tests deemed unreliable or invalid. The court held that there is no clearly defined, universal, litmus test for the general admissibility of all "scientific" evidence[57]. This case focuses on whether a certain type of scientific evidence can be allowed in court, not on whether the scientific "fact" itself is true. The key considerations are how relevant, useful, and reliable the evidence is versus whether it might mislead, prejudice, or confuse the jury. These are the main factors in deciding if the evidence should be

[46] AIR 2010 SUPREME COURT 1974
[47] Section 39 – "Opinion of third persons when relevant"
[48] AIR 1992 SC 2100
[49] AIR 1980 SC 531
[50] AIR 2009 SC 1817
[51] "Legal status of forensic psychological tests in India,"*available at*: https://ijip.in/pdf-viewer/?id=27328 (last visited October 23, 2024).
[52] Note: MMPI means The MMPI offers comprehensive insights into various personality traits and the presence of psychopathological elements. It is completed by responding true or false to a series of declarative statements that reflect personal beliefs or symptoms.
[53] Note: It is a self-report inventory to identify a person's strengths and weakness.
[54] Note: It is A widely used personality self-assessment evaluates individuals across four behavioral dimensions: Dominance, Influence, Submission, and Compliance.
[55] Laurence Miller, "Psychological evaluations in the criminal justice system: Basic principles and best practices," 18 *Aggression and Violent Behavior* 83–91 (2013).
[56] *United States v. Williams*, 583 F.2d 1194 (2d Cir. 1978)
[57] Ibid.

admitted. In conclusion, the court said that the jury can be instructed that the expert's opinion is solely for their assistance, and subject to their complete rejection if they consider it unreliable[58]. As the court found no error, the conviction was affirmed. In ***United States v. Baller***[59], case, the court held that, there is difficulty in applying the "Frye" test has led a number of courts to its implicit modification[60]

LEGAL FRAMEWORK FOR THE ADMISSIBILITY OF EXPERT OPINIONS

USA has Federal Rule of Evidence 702 – 705, which talks about testimony by expert witnesses, bases of an expert's opinion testimony etc. It uses the same test which were upheld in ***Daubert V. Merell Dow Pharamaceuticals[61], General Electric Co. V Joiner[62] and Kumho Tire Co. V. Carmichael[63]***, where it sets the Daubert Standard which requires scientific evidence both relevant and reliable. The court acts as gatekeeper, peer review, error rates, assessing factors such testability and general acceptance.

And additionally, it has *Ethical Guidelines.* Professional guidelines, such as those from the 'American Psychological Association' (APA), emphasize the ethical administration, scoring, and interpretation of psychological tests. These guidelines ensure that assessments are conducted competently and ethically, which can impact their admissibility in court. In the case of ***Jenkins v. United States***[64], Vincent E. Jenkins used an 'insanity defense after committing a sexual assault. Psychologists testified that he was having a psychotic episode during the attack, but the trial court rejected their input, arguing that psychologists were not qualified to testify about mental illness because they weren't medically trained'. On appeal, the U.S. Court of Appeals for the D.C. Circuit received a brief from the American Psychological Association (APA) arguing that psychologists have the necessary training to assess mental illness. The court agreed, allowing psychologists to testify about mental illness in criminal cases from that point onward.

Over time, APA's amicus briefs have impacted court rulings, leading to changes in American laws[65]. The Supreme Court has specifically cited APA's briefs in 23 of its decisions, as have various lower courts in 20 decisions[66]. There are various case laws which took help of APA in submitting the evidence with regards to psychological assessment test.

UNITED KINGDOM (UK)

The UK legislation includes Expert Evidence Rules under Civil Procedure Rules and Criminal Procedure Rules, the expert evidence must be necessary to help in court understanding the issues. Experts here includes psychologists. The UK courts provide judge's discretion to admit or exclude evidence based on its probative value. Part 35 of the Civil Procedure Rules, outline the duties of expert, which shows the need of expert assessments. It provides general requirements, form and content of an expert's report, questions to expert, discussion between experts and assessors[67].

The *Guidance for the Instruction of Experts in Civil Claims 2014* sets standards for expert evidence in civil cases. Experts must provide to the court an independent, objective opinions and aid the courts, but not advocate for a particular party. They must also prepare a report regarding their qualifications, materials used and facts supporting their opinions. Experts must be clear about limitations in their

[58] "United States v. Williams, 583 F.2d 1194 | Casetext Search + Citator,"*available at*: https://casetext.com/case/united-states-v-williams-301 (last visited October 24, 2024).
[59] 519 F.2d 463
[60] *United States v. Baller,* 519 F.2d 463 (4th Cir.), *cert.*
[61] 509 U.S. 579
[62] 522 U.S. 136
[63] 526 U.S. 137
[64] Jenkins v. United States, 307 F.2d 637
[65] "10 Ways Psychology Changed American Law," *https://www.apa.orgavailable at*: https://www.apa.org/monitor/2019/12/cover-courts (last visited October 24, 2024).
[66] Ibid.
[67] "PRACTICE DIRECTION 35 – EXPERTS AND ASSESSORS – Civil Procedure Rules,"*available at*: 'https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part35/pd_part35' (last visited October 24, 2024).

expertise and maintain confidentiality. Joint experts may be used to save costs, and discussions between experts should aim to resolve issues.

Part 35 of the Civil Procedure Rules (CPR) regulates the use of expert evidence in civil proceedings. It is supplemented by Practice Direction 35 and the Civil Justice Council's guidance. In most cases, experts are instructed to only provide court-ready evidence under Part 35, but in some cases, they may provide reports for advisory purposes, which fall outside these rules. Part 35 does not govern advice-only reports, the associated principles remain useful to follow while preparing such reports.

CANADA

A landmark case ***R v. Mohan***[68], established principles for admissibility of psychological assessment tests in legal proceedings. This case determined whether the evidence should be excluded based on the principles governing exceptions to the character evidence rule and the admissibility of expert evidence. For expert opinion evidence to be admitted, it must meet criteria such as relevance, necessity for assisting the trier of fact, absence of exclusionary rules, and the expert's proper qualifications, none of which were sufficiently fulfilled in this instance.

1. *Relevance*

Like all evidence, must first meet threshold of relevance, which would be determined by the judges. The evidences must be logically relevant, that is it must relate to fact in issue. Even logically relevant evidence can be excluded if its probative value is outweighed by its prejudicial effect, if it wastes time, or if it is misleading.

2. *Necessity*

Expert evidence is allowed only when the judges or jury lack those specified knowledge on science or psychiatric. Relying too much on expert testimony can make the trial more about which expert to believe, rather than focusing on the actual facts. It underpins the exclusion of the expert opinion if it lacks creditability.

3. *The Lack of an Exclusionary Rule*

Meeting criteria of relevance and necessity does not accept the expert evidence, it will be admitted if it violates an exclusionary rule that is independent of the opinion rule. For example, in ***R. v. Morin***[69], evidence was obtained during the cross-examination of psychiatrist for the accused was ruled inadmissible because it was not shown to be relevant except in relation to the accused's disposition to commit the crime charged. Thus, even though the evidence met the criteria for expert evidence admission, it was excluded due to the rule that prohibits the Crown from introducing evidence regarding the accused's disposition unless the accused has raised their character as an issue.

4. *A Properly Qualified Expert*

The evidence must provide that who demonstrated special knowledge acquired through study or experience by a witness.

5. *Expert Evidence Regarding Disposition*

To determine the principles, it is essential to consider the limitations imposed by character evidence rules and expert evidence.

Furthermore, in ***R. v. Turner***[70], the accused unsuccessfully argued provocation as a defence for murdering his girlfriend, claiming he acted in a fit of rage caused by her sudden confession of infidelity. He appealed, asserting that the trial judge wrongly excluded the psychiatrist's evidence,

[68] [1994] 2 SCR 9
[69] *R. v. Morin*, [1988] 2 S.C.R. 345
[70] [1971] 1 WLR 901

which would have testified that the accused was not mentally ill, held great affection for the victim, and deeply regretted his actions. *This evidence was rejected as it did not constitute an appropriate subject for expert testimony.*

SOUTH KOREA AND AUSTRALIA

In other countries such as, In **South Korea,** the admissibility of psychological assessment test is not governed by any specific set of principles. Mostly, Daubert or Frye standards are being used. It governs the admissibility by *Korean Criminal Procedure Act and Civil procedure Act.* Another interesting principle which is being used is "***the principle of free evaluation of evidence***", provided under article 202[71] of section 5 (Trial) of Statutes of the Republic of Korea. In this regard there is no limit on the admissibility of evidence for all evidentiary methods.

In **Australia**, the Evidence Act 1995, Section 76[72]–79 outlines the requirements for expert evidence. The same principles are being used such as scientifically valid and reliable and judges have the discretion to exclude evidence.

SUGGESTION

1. India also has Indian association of clinical psychologists. Its role is to advice the government, educate the public, collect and share information and helps in advancing the profession. But American Psychological Association advocated for psychology in federal legislation and regulations and in media. Also, it provides guideline helps psychologist to determine their expert status. To simply put, its brief present courts with best psychological science and discipline with peer-reviewed research.
2. India shall adopt the principle which was held in R v. Mohan case. As there are no general principles in India for governing psychological assessment. In R v. Mohan case, there are 5 principles which must be adopted for admissibility of expert opinion and psychological assessment.
3. Australia follows a similar approach where the courts focus on scientific credibility, applicability of the evidence to the case, the expert's neutrality and objectivity.
4. Adopting a hybrid test, combining all the elements of the above-mentioned tests.
5. And all these jurisdiction place emphasis on training and standards which is required for the experts. India can introduce formal standards or certification (e.g., forensic psychological) could raise the quality of expert testimony.
6. The Daubert test offers framework for determining the reliability of scientific evidence, which includes testability, peer review and publication and error rate. Frye Test is based on the principle that scientific evidence is admissible only if the technique is "Generally Accepted" by relevant scientific community.

CONCLUSION

In India, the legal foundation for forensic evidence is complex structure, defined by the Indian Evidence Act, procedural laws, and various court rulings. Every instance involving forensic evidence contributes to the continued development of the legal rules regarding its acceptance and application. Psychologists conducting evaluations for the courts also have a significant social responsibility to uphold. Forensic psychologists must also consider the rule of evidence that govern

[71] "Statutes of the Republic of Korea,"*available at*: https://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=62606&type=sogan&key=9 (last visited October 24, 2024)." 'Article 202' (Principle of Free Evaluation of Evidence)
'A court shall determine, by its free conviction, whether or not an allegation of facts is true, taking account of the whole purport of pleadings and the results of examination of evidence, on the basis of the ideology of social justice and equity in accordance with the principles of logic and experiences'.
[72] "EVIDENCE ACT 1995 - SECT 76 The opinion rule,"*available at*: https://classic.austlii.edu.au/au/legis/nsw/consol_act/ea199580/s76.html (last visited October 24, 2024).

the admissibility of evidence. And by integrating these global practices, India can develop its approach to the admissibility of expert evidence.

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