BLOGS

Expert Opinion under Indian Evidence Act

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Edit TABLE OF CONTENTS Introduction Who is an expert? Conditions for Admission on an Expert Opinion Legal Provisions on Expert Opinion Judgements on Expert Opinion Validity of an Expert's Opinion Conclusion

Introduction

Expert opinion refers to the testimony or judgment provided by an individual who possesses specialized knowledge, skills, or experience in a particular field or subject matter. This opinion is sought to assist a court, tribunal, or decision-making body in understanding complex or technical issues that are beyond the comprehension of the average person.

Expert opinions are admissible as evidence in legal proceedings to provide insight, analysis, or interpretation in areas such as science, medicine, forensics, engineering, or other specialized disciplines. These opinions aim to assist the fact-finder in reaching a more informed and accurate decision in cases where expert knowledge is essential.

Who is an Expert?

The definition of an expert can be gleaned from **Section 45 of the Indian Evidence Act**, which states that an ‘expert’ is an individual with special knowledge, skill, or experience in any of the following areas: foreign law, science, art, handwriting, or finger impression. This knowledge must have been acquired through practice, observation, or formal studies.

For example, if a person has died because of poison, whether or not his demise was caused by said poison can be ascertained by an expert’s opinion as to the symptoms caused by it.

Conditions for Admission of an Expert Opinion

1. The dispute at hand cannot be resolved without the input of an expert.

2. The opinion sought is upon a point of foreign law or of science, or art, or as to identity of handwriting, or finger impressions.

Legal Provisions on Expert Opinion

Sections 45 to 51 in Chapter-II of the Indian Evidence Act deal with the relevance of expert opinions.

Section 45-A of the Indian Evidence Act, 1872, pertains to the admissibility of the opinion of the Examiner of Electronic Evidence under the Information Technology Act, 2000, in cases related to electronic data transmission and storage. This opinion is treated as that of an expert witness.

Section 46 deals with the relevance of facts that may be considered irrelevant in a case but become relevant if they align or contrast with an expert's opinion.

Additionally, **Section 47** addresses the special opinion of someone familiar with the handwriting of a person involved in a document. These provisions, in conjunction with **Section 51**, establish the criteria for an opinion's relevance in a specific case.

When the Court has to form an opinion as to the person by whom any document was written or signed, the opinion of any person acquainted with the handwriting of the person by whom it is supposed to be written or signed that it was or was not written or signed by that person, is a relevant fact.

These provisions provide exceptions to the general rule that evidence should pertain to facts within a witness's knowledge. This exception is rooted in the recognition that in cases involving technically complex and professionally sophisticated matters, the court cannot form a reliable opinion without the assistance of individuals possessing special knowledge and expertise in those areas.

Motor vehicles inspector, evaluation of the property, psychological autopsies, palm impressions, chemical analyzer, and nautical assessors forms the others category amongst all.

Judgements on Expert Opinion

In the case of ***Ramesh Chandra Agrawal vs. Regency Hospital Ltd. & Ors***, the court emphasized that for expert evidence to be admissible, it must first be deemed necessary. This necessity arises when the subject matter is beyond the understanding of an ordinary person. The

qualifications of individuals considered as experts will be elaborated upon below.

It was highlighted in the case of ***S. Gopal Reddy v. State of A.P.*** that expert evidence constitutes opinion rather than direct substantive evidence, and it must not replace substantive evidence. Procedurally, expert testimony necessitates corroboration, which can be achieved through clear direct or circumstantial evidence. Depending solely on expert testimony without seeking independent and dependable confirmation is considered unreliable.

In the case of ***State of Karnataka v. J. Jayalalitha***, the Supreme Court emphasized that an expert witness does not provide factual testimony but offers advisory insights. The Court clarified that the role of an expert is to furnish the Court with scientific testing criteria for evaluating conclusions. Furthermore, the Court cautioned against complete reliance on expert opinions alone, a principle reaffirmed in the case of Jalapathi Reddy v. Baddam Pratapa Reddy (2019) 14 SCC 220.

In the case of ***Ram Narain v. State of U.P***, it was established that the testimony of a handwriting expert should carry equal weight as the testimony of any other witness in the case at hand.

Validity of Expert Opinion

Expert testimony cannot override the evidence of an attesting witness, and it comes with several inherent limitations. There is a risk of error or intentional falsehood, as these experts may lack competence, have impaired vision, or even be corrupt.

Convicting a person solely based on expert opinion would be highly precarious. Therefore, a conviction must be substantiated by substantial corroboration and not solely reliant on expert views. Conflicting expert opinions leave the court with the discretion to determine the validity of signatures on documents.

An expert's opinion relies on the completeness of the provided materials; incomplete documents would render their opinion unreliable. Expert opinions should be confined to the referred content; anything beyond that is inadmissible in court.

As seen in ***S. Gopal Reddy v. State of A.P.,*** expert evidence is merely an opinion and not substantive or probative evidence. According to procedural rules, expert opinions lack independent value and must be corroborated with circumstantial evidence.

Conclusion

The inclusion of provisions related to expert opinions in the Indian Evidence Act of 1872 marked a crucial legislative change for its time. This change had a profound impact on the judicial system in colonial India and continues to influence the independent Indian judiciary.

The significance lies in its ability to address cases where crucial facts may be missing or difficult to access. In such situations, the introduction of expert opinions has proven to be highly beneficial. Expert opinions offer a means to bridge gaps in understanding complex or technical matters, aiding the court in making informed decisions.

This legislative provision has, therefore, simplified the process of dispensing justice, ensuring a fair and unbiased approach, even in challenging and intricate cases. It underscores the adaptability of the legal system to evolving complexities and the commitment to uphold justice in a changing society.

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