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Raising voices at voice-identification: a review of judicial opinion

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RAISING VOICES AT VOICE-IDENTIFICATION:

A REVIEW OF JUDICIAL OPINION

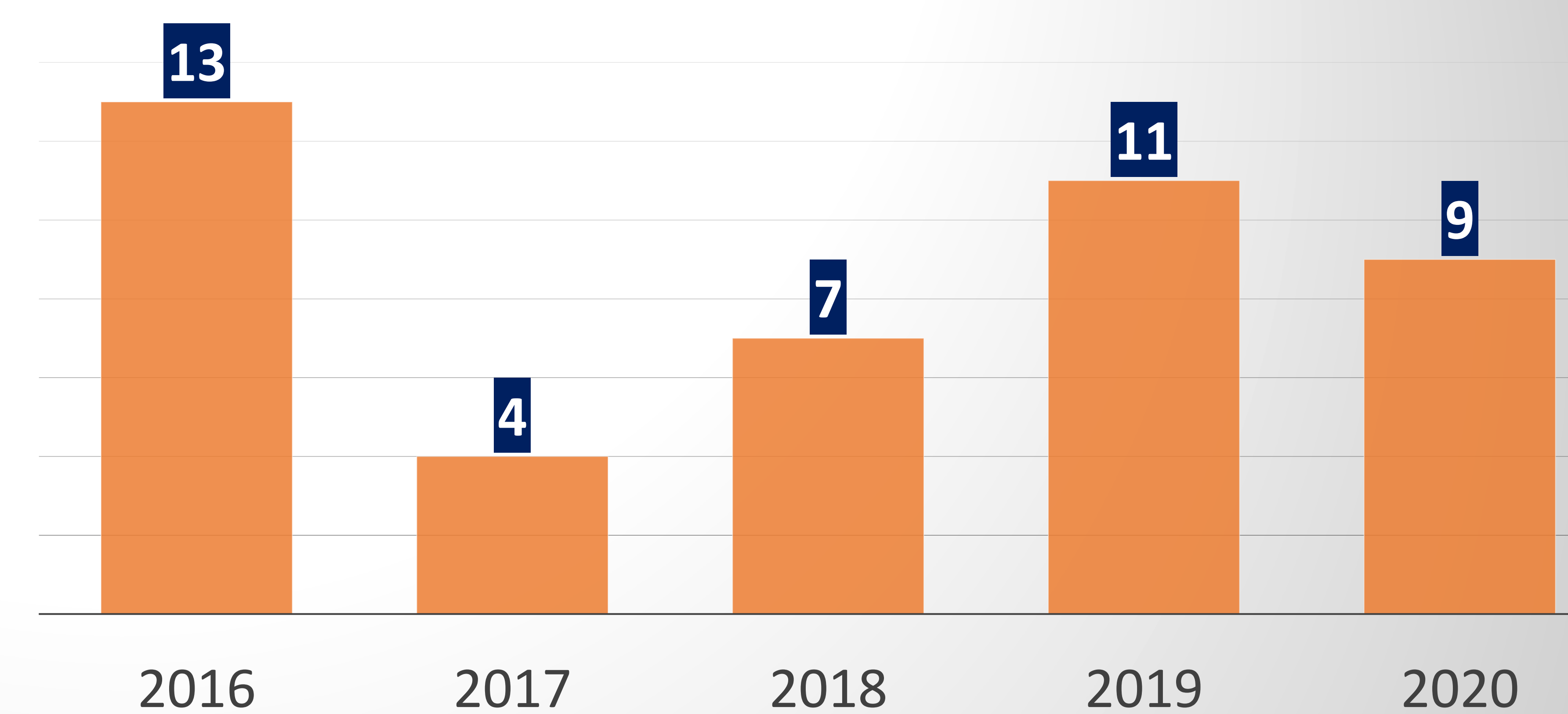*by – Dr. Kanika Aggarwal*
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INTRODUCTION –

Forensic evidence is both praised for its efficiency and condemned for being incomprehensible and leading to wrongful convictions. The National Academy of Science has discredited certain forensic techniques and questioned their validity. Misapplication/misinterpretation of forensic evidence has brought the credibility of forensic evidences under a cloud. The scientific and legal communities need to sensitize themselves about the limitations inherent in the forensic sciences. The paper focuses on analyzing the rulings of trial courts that have considered voice identification evidence. It reviews judgments from trial courts in New Delhi between the years 2016 and 2020. The primary concern is to gauge into the mechanism adopted by judges as gatekeepers.

METHODOLOGY –

It was a doctrinal research involving analysis of judgments of the lower courts in Delhi, i.e. district court and court of sessions. The judgments of the lower courts were extracted from the website *indiankanoon.com.* The term "expert" and "voice" were used as search string. A total of 44 cases relating to voice identification evidence were identified. The review of these 44 judgments pertaining to voice identification has led to certain significant findings.

2016	2017	2018	2019	2020
13	4	7	11	9

Some Relevant Excerpts from the judgments –

✓ *"He further testified that due to advancement in computer technology, the accuracy of this science has increased and is not less than the DNA printing and finger printing examination. This part of testimony of PW25 is similar to what Hon'ble Justice Ranjana Prakash Desai in Ritesh Sinha (supra) opined in detail as to how the voice is very specific to individual and what are the new techniques like sound spectrograph machines adopted for voice prints. Sufficient it to say that PW25 is expert on voice identification and he used all scientific and technologically advanced methods to compare the voices before him."*

✓ *"So far as the use of expression 'probable' is concerned it was clarified by PW12 during his cross examination that in voice examination cases, the word 'probable voice' is interpreted as positive identification in their laboratory. He has also deposed that the percentage of accuracy of the report is close to 100%."*

SCIENTIFIC FOUNDATION

Voice identification is a forensic technique that can be useful in difficult situations. It can be done by experts or lay witnesses. Longer and repeated exposure of voices results in better identification. There are two methods of comparing disputed recordings with a voice of a suspect, one is auditory analysis and the other is acoustic analysis. Acoustic analysis is based on the premise that everyone has a unique voice.

Voice Analysis – *technique involved*

Auditory Analysis

It includes comparison of voices by simply listening to the voices

Acoustic Analysis

This includes preparing of spectrographic representation of the voices

CONCLUSIONS/INFERENCES DRAWN –

➢ Mere assertions with scientific proof by experts are treated as gospel truth, especially by experts from government forensic labs that are seen as independent and objective experts

➢ Judges possess divergent views regarding reliability and accuracy of voice identification evidence.

➢ Legal Precedent are mostly referred to in order to assess the probative worth of voice identification evidence.

➢ Discussion on voice identification evidence is devoid of reference to scientific literature.

➢ Judgments are bereft of discussion on the element of subjectivity involved in spectrographic analysis of voice.

➢ Adversarial mechanism, such as cross-examination, are relied on in order to gauge the lacuna in the forensic report

Overall, it may be concluded that there is serious relegation of gatekeeping function on the part of the judges.