
THE ROLE OF FORENSIC LINGUISTICS IN THE CRIMINAL JUSTICE SYSTEM OF INDIA AND ITS EVIDENTARY VALUE

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ABSTRACT

Forensic linguistics is an emerging interdisciplinary field concerned with the study of language, either as an object of analysis or as a resource, and its various uses in criminal courts, and other legal settings. Criminals are using the cyber world, the dark web, online gaming, and other virtual means to cover their tracks these days. Forensic linguistic analysis can help uncover some of these details since language is often embedded in the behaviour of the accused more consistently than their personal traits, making it a valuable source of information. The paper discusses the scope, methodology, and application of forensic linguistics in courts of law. By aiding investigations, trials, and interpretation, Forensic Linguistics plays a vital role in the justice system. The study focuses on theories, backgrounds, methodologies, legal issues related to language, linguistics evidence, the status of forensic linguistics in India. The research explores the role of Forensic Linguistics in the legal system of India through its applications and implications.

Keywords: Forensic Linguistics, Investigation, Justice, Evidence, Application.

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INTRODUCTION

Language plays a significant role in statutes and laws and helps communication during criminal conspiracies. Forensic linguistics is an umbrella term that encompasses various language uses for legal matters, and the main division is the written and spoken type with the latter being primarily forensic speech science. Forensic linguistics experts utilize their knowledge of theoretical and applied linguistics including sociolinguistics, phonetics, phonology, morphology, syntax, pragmatics, dialectology, corpus linguistics, and discourse analysis. Laws are formulated and interpreted in languages that make them inaccessible or difficult to understand by the common man. There is a need for people with extensive knowledge of law and linguistics. A forensic linguist is comparable to a doctor who reads x-rays; they have the necessary expertise to unearth aspects that would otherwise be undiscovered by the untrained eye. Forensic linguists can help read text and speech to detect facts, present evidence, and serve a variety of judicial functions. Forensic linguistics is not about against the accused. Forensic Science is all about brought truth before the court and help in justice. In present scenario forensic linguistics evidence work as a D.N.A. of accused person.³ The association between forensic linguistics and applied linguistics is complex, and the three areas of overlap are as follows:

- Forensic linguistics deals with language and issues concerning law enforcement's operational activities with suspects and witnesses.
- The construction and clarity of legal texts and languages such as statutes, and associated linguistic analysis.
- Language evidence, and the experts' qualifications, credibility, and responsibilities in presenting it in court.

The primary functions performed by forensic linguistics experts are as follows:

- Thorough examination of the language used in the text

³ Dubey, D.S.K., & P. (2024). Use of D.N.A. Test Profiling Information in the Justice Delivery System: Human Rights and Right to Privacy Challenges. *International Journal of Law Management and Humanities*, 7(2), 3563-3573.

- Aid law enforcers, lawyers, judges, and juries in understanding the text
- Assist lawyers and judges in interpreting the language used to perpetrate the crime and cross-examine the accused or present evidence for the Défense.
- Help translators and transcribers by detecting how the language was misused, ambiguously used, or inaccurately transferred.⁴

Forensic linguistics can help investigate written documents by exposing the truth about the crime, which is critical in the investigation and trial processes. There are three primary areas in which linguists can participate when analysing written material. They are as follows:

- Interpreting legal language
- Studying language specific to the legal field and providing linguistic evidence for legal disputes. Additionally, there are several areas that fall under forensic speech science:
 - i. Speaker comparison
 - ii. Analysis of disputed speech
 - iii. Conducting voice parades
 - iv. Speaker profiling
 - v. Enhancing and authenticating voice recordings

HISTORY OF DEVELOPMENT OF FORENSIC LINGUISTICS

The term “forensic linguistics” was coined by a Swedish professor of linguistics, Jan Svartvik, who was also one of the pioneers of this study area. In 1968, he published his views on the linguistic analysis of Timothy John Evans who was accused of murdering his wife and child in 1949. According to Svartvik’s analysis, the accused’s statement had irregularities that indicated that it was not in his actual wording style; thus, the confession was most likely not genuine but extracted under police pressure. The case gained tremendous publicity as Evans was executed

⁴ Jadhav, D.G.K. (2025). Decoding Justice: Forensic Linguistics within the framework of BNS, BNSS and BSA.

for the murder. Later on, his defence lawyers accused the police of perjury, and Svartvik was called to testify in court as an expert witness. This case, in addition to a few others, played a significant role in developing forensic linguistics in Britain, where it became a popular tool for challenging the authenticity of police-generated documents. Meanwhile, in the USA, the practice of forensic linguistics was pioneered in 1963 through the *Miranda vs. Arizona* case. As a result of this case, the Supreme Court formulated what is known as the Miranda warning, which police personnel must administer to a suspect during arrest. The warning aims to ensure that regardless of their guilt, the accused is aware of their rights during the trial. The *Mirandas* are concerned with ambiguities in police records about the arrest and interrogation of the suspect, and the topic became highly debated by legal and linguistic experts around the time of the trial.⁵ Roger Shuy, Professor of Linguistics at Georgetown University, and a renowned writer on the subject. e.g., *Creating Language Crimes*, is considered by many to be the father of forensic linguistics. He encountered the subject for the first time in 1979 when he met an attorney on a plane and agreed to become an expert witness in a homicide case. Since then, Shuy has been involved in multiple cases where language use needed to be uncovered for the purposes of the court. Language can be used as evidence in court. The expert's linguistic analysis can be used by either party to prove the innocence or guilt of the accused. In addition to context, linguistic analysis offers support for the interpretation of language. Forensic linguistic evidence helps in eliminating misinterpretation of language by the fact that experts identify the intended meaning of the accused's spontaneous utterance or text during cross-examination. Forensic linguistics experts determine the meanings of terms used by the accused, the defence, and witnesses. Consequently, linguistic evidence in a court can be in the form of conversation, text, suicide note, ransom note, police reports, and other documents. It can also be presented in video or audio recordings. Authorship analysis, which goes beyond superficial examination is the most evident type of linguistic evidence. It is often used in copyright infringement cases, but it also extends beyond suspected faking of language to include threats, fraud, perjury, forgery, and other offenses.

The following are the areas of linguistic analysis:

- 1. Author identification:** determining the author of a text based on language characteristics.
- 2. Intra and inter-variation:** examining variations within the language used by the author and

⁵ 384 U.S. 436 (1966).

variations between languages used by different authors.

3. Forensic phonetics: transcription and comparison of voice recordings; analysis of pronunciation peculiarities; identification of sociolect of the speaker.

4. Discourse analysis: examining pragmatic aspects of discourse.

5. Plagiarism detection: examining similarities between texts manually or automatically.

6. Linguistic dialectology: studying languages using forensic phonetics methods.

7. Forensic transcription: obtaining transcripts of electronic records.

8. Forensic stylistics: examining a piece of writing or speech to identify the author, describe the speaker and writer, or reveal contents such as plagiarism.

FORENSIC LINGUISTICS IN INDIA

India is a land of diverse cultures and languages. There are more than 1,600 languages spoken in the country, although only 22 official languages recognized by the constitution. The field of forensic linguistics has not garnered much attention in India despite the country's rich linguistic diversity. The topic related to applying linguistic expertise to India's legal system has received limited attention. In practice, recording the statements of the accused in their language, dialect is rare as it is up to the police to decide which language to use for recording, often not the suspect's mother tongue, thereby overriding the natural meaning of the statement. In addition, police can create false documents and coerce the accused to sign them, especially in rural areas. The literacy rate in India is 74%, and the majority of the population can read and write and understand what they read. This makes it necessary to apply linguistic expertise to verify the correctness of phrasing, accuracy, and natural language usages in the documents signed by them as it is a fundamental aspect of justice and a constitutionally protected right (Right to Life and Personal Liberty, Article 21).⁶ Section 283 of the Bharatiya Nagarik Suraksha Sanhita further states that the court shall ensure that the accused understands the language used during the proceedings.⁷ Although India has numerous language-related legislations, the topic of linguistic evidence, in general, has not been discussed in depth in the context of forensic

⁶ Article-21, Constitution of India (1983).

⁷ Section-238, The Bharatiya Nagarik Suraksha Sanhita (2023).

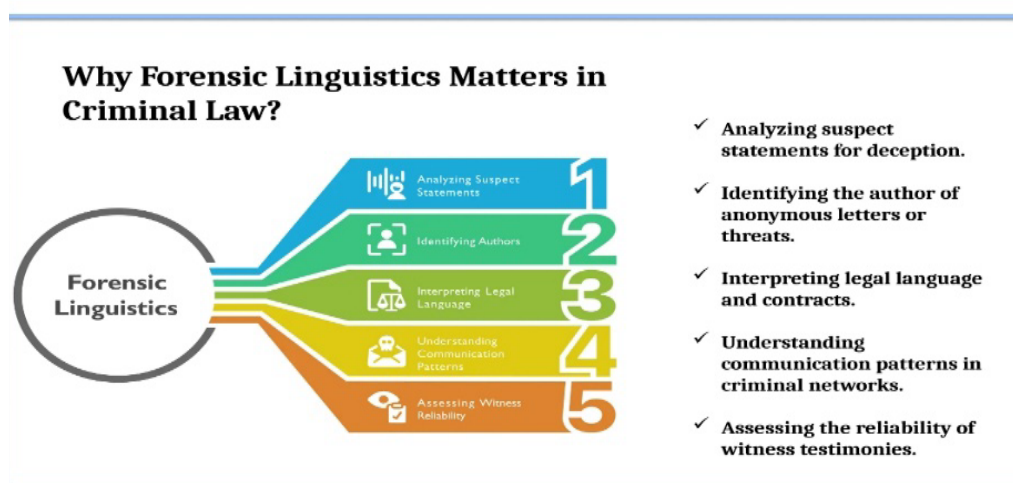
linguistics. According to the Perceptive Plan of Indian Forensics 2010, only Chandigarh Forensic Science Laboratory among the four central labs has the capacity to identify speakers. Despite the National Board for Justice Delivery and Judicial reforms constituted in 2005 and the Directorate of Forensic Science Services, which was formed in 2002 to promote and coordinate forensic science research in the country, none of them has explored linguistic expertise to assist courts in reviewing statements submitted to the police.

THE ACCEPTANCE OF FORENSIC LINGUISTIC EVIDENCE BY THE JUDICIARY

Judicial acceptance of linguistic evidence is a critical issue that determines its use in court. In the US, the question centres around the reliability of the expert who presents it, and the primary framework used to assess it is the Daubert Standard (2024). The central themes in this context are as follows:

- The absence of standardized procedures, such as DNA testing
- The subjectivity of assumptions in certain areas
- The fact that in most cases, linguistic evidence does not constitute the expert opinion since linguistic evidence is relatively new, and its acceptance by the court is still under question.
- The need for an expert to have the necessary qualifications

Despite the issues listed above, linguistic evidence is generally acceptable to judges when it comes to proving the innocence or guilt of the accused. Additionally, linguistic analysis can supplement other types of evidence.



CASE STUDIES- Some of the noteworthy cases that feature the application of forensic linguistic analysis are as follows:

1. The Unabomber case in the *US*: *Ted Kaczynski's* manifesto was compared to his published works, and his brother identified similarities in the language style; thereafter, the FBI used the comparison results to expose T. Kaczynski as the Unabomber.⁸
2. The *Jaidyn Leskie case in Australia*: minor grammatical and spelling mistakes in the accused's statements were used as evidence.⁹
3. The *Zara Glover email case* in the *UK*: the language style of the anonymous email was compared to the defendant's published works to identify the anonymous sender. (2023)
4. The *McDonald's Libel case* in the *UK*: linguistic analysis of activist leaflets helped understand their meanings and intent. (Nicholson et al., 2000).
5. Derek Bentley case in the *UK*: *Derek Bentley's* last statement was analysed to determine whether he was misled into giving evidence. (Gudjonsson et al., 2002)
6. *J. Ramulu v. State of Andhra Pradesh*: A dying declaration was recorded by the investigation officer with the help of gestures of the deceased because acid was thrown on his face due to which he was not unable to speak. Besides he had made some statements and by signs and

⁸ 2:96-cr-00259 (1995).

⁹ Jaidyn Leskie case, (1997).

gestures the same was not relied upon not because of it being with the help of gestures but because of other infirmities in to.¹⁰

7. Uttam v. State of Maharashtra: multiple dying declarations were rejected and accused was acquitted.¹¹

ETHICS IN FORENSIC LINGUISTICS

When testifying in court, forensic linguists must adhere to specific ethical principles, including the following:

- Only qualified linguists who have received expert witness training can testify in court. Additionally, to avoid violating the ethical guidelines, linguists should refrain from testifying if they lack the competence to analyse the subject under investigation. Furthermore, when testifying in court, linguistic experts must always tell the truth. When a linguistic expert is not competent to testify in the given case, stating so is an ethical thing to do as it informs the court about their qualifications.
- Linguists must exercise professional responsibility and integrity when testifying in court. The most crucial ethical rule for linguistic experts when they appear in court is not to lie since it would be considered a crime for someone who knows the law.

FUTURE TRENDS IN FORENSIC LINGUISTICS-

The future of the field is highly dependent on technological advancements. Some of the anticipated trends in forensic linguistics include the following:

- The development of new technologies such as artificial intelligence: Experts predict that the automatic authorship attribution tool will be widely used within the next five years, and it will be utilized in practice by employing machine learning.
- Innovations in speech recognition and identification will play a pivotal role in both research and practice.

¹⁰ AIR (2008) SC 1505.

¹¹ AIR (2022) 8SCC 576.

- The significance of multidisciplinary and multilingual research will grow due to the rising volume of languages and dialects used worldwide.
- Law enforcement and intelligence agencies are interested in developing new technology that can monitor and control all online activity in real-time; one of the reasons for this is the ability to track and analyse any suspicious publications, statements, and activities.

CONCLUSION

Forensic linguistics is a broad field of linguistics that is gaining more and more attention due to its significance in law enforcement and judicial practices. The discipline plays a key role in helping judges and juries understand testimonies, arguments, and other information containing the relevant aspects of the crime. Forensic linguistics has the potential to help resolve many language-related disputes and aid in understanding legal texts. Despite the limitations of this study area, there is still room for further linguistic research that can attract more scientists to this field of linguistics. As a result, this discipline will bring about changes in many legal practices and ensure fairer courts and trials. In particular, the three ethical principles of forensic linguistics are related to the qualification of a linguistic expert, truthful testimony, and professional competence. To begin with, only those who have received the necessary training can testify in court as linguistic experts. Secondly, when testifying, a linguistic expert must always tell the truth. Moreover, when testifying in court, the linguistic expert must be composed enough to give testimony that reflects only his competence and qualifications based on linguistic knowledge. A simple # can change the narrative of whole country. Forensic linguistics can break the loop of any as well as will help in resolving the numbers in pendency of cases. We should always remember that when we leverage the technology whatever we can't do in years we can do in minutes.