

New Brain Scan Technique Used as Evidence in India Court

By Caitlyn Whitehead

In a June 2008 decision, a judge in the Indian state of Maharashtra used the results of a new brain scan technique as evidence in convicting a woman of murdering her husband. The scan is said to show that the suspect had “experiential knowledge” particular to the individual committing the act, rather than the knowledge one would possess through simply witnessing the act. The Brain Electrical Oscillations Signature test (BEOS), developed by Champadi Raman Mukundan, a neuroscientist in Bangalore, is conducted by placing electrodes on the head of the suspect as he or she reads aloud the events in question. If the suspect committed the act, Mukundan says that specific areas of the brain associated with reliving memories will “light up”. This technology can only be used with the consent of suspects. Since June 2006, it has been used in Maharashtra approximately 75 times.

Other methods of scanning for evidence of knowledge or truth, such as polygraph testing, have been deemed unreliable by the United States Supreme Court. Some researchers and scholars argue that the BEOS must have further testing before being used in courts. Others believe it yields admissible evidence. With further research, it is predicted that brain scans could eventually aid in acquiring military intelligence. While the possible legal implications of the technique are immense, the potential benefits are recognized as also being significant.

Source:

Anand Giridharadas, *India's Novel Use of Brain Scans in Court is Debated*, N.Y. TIMES, Sept. 15, 2008, available at: <http://www.nytimes.com/2008/09/15/world/asia/15brainscan.html>.