



Title: Forensic Psychology under Judicial Scrutiny: A Critic on *Smt. Selvi v. State of Karnataka* (2010)

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Abstract:

In *Smt. Selvi* case, the constitutionality of forensic psychological tests (hereinafter referred to as “tests”) was challenged. The court held that the non-voluntary administration of tests is inconsistent with the right against *self-incrimination* (Art. 20 (3)) and the right to mental privacy (Art. 21) of the Indian Constitution. This paper endeavors to analyze the paradoxicality of the rationale of the court and the objectives of the right against *self-incrimination*. However, objective interpretation theory demands an interpretation inconsistent with the objectives of the provisions. The analysis in this paper is envisioned to demonstrate that the non-voluntary administration of tests does not violate rights guaranteed under Article 21 and 20 (3) of the Constitution of India. Tests are complementary rather than contrary to the ethos of Art. 20(3). The court seems to have neglected the construction “*ut res magis valeat quam pereat*” and the functional theory of interpretation while adjudicating the constitutionality of tests. Further, logical fallacies and regression in judgment diluted the spirit of Fundamental Rights and contrary to precedents declared by the Apex Court, consequently a judgment *per incuriam*. The authors will deliberate on the working of tests in the context of the issues posed before the court.

Biography:

Dr. Atmaram F. Shelke is working as an Associate Professor at Symbiosis Law School, Pune (a constituent of Symbiosis International (Deemed University)). He has been awarded **two gold medals** for achieving first position in LL.M. at Symbiosis International (Deemed University), Pune (India). His PhD research focused on Intellectual Property Rights Volition in Cyberspace. Dr. Shelke

specialises in IPR Violation in Cyberspace, Constitutional Law, Administrative Law and Research Methodology. The fields of his research interest are IPR Violation in Cyberspace, Constitutional Law, Administrative Law, Criminal Law. He has been awarded with *Hall of Fame Award* by Symbiosis International (Deemed University) in 2025.

He participated in “DAAD–New Passage to Indian Programme” in Germany from 2nd to 14th May, 2014, Bulgaria under EURASIA project in December, 2018 and under EURASIA project in September, 2019. He also visited Sweden (Stockholm University) and Italy (Milan University) from 31st May, 2025 to 10th June, 2025 as a part of SPARC project.

With over 17 years of teaching experience, he has instructed students in BA/BBA LL.B. (Hons.), Master’s degree programs, PhD coursework, and EU Value Added Courses such as E-Justice in the EU and Data Protection and Data Privacy in the EU. He has also been involved in teaching European students visiting India under the umbrella of Symbiosis International (Deemed University).

Dr. Atmaram Shelke is regularly invited to review articles of Journal of Intellectual Property Rights (JIPR); Christ University Law Journal (CULJ), ISSN 2278-4322 and International Invention Journal of Medicine and Medical Sciences (IIJMMS).

He has contributed to the “Project on Indian Penal Code” sponsored by Shri. Ram Jethmalani, Sr. Advocate, Supreme Court of India; project on ‘Critique on Indian Legal Framework for Addressing Sexual Abuse, Exploitation and Trafficking of Children (Special focus on male child)’; a project on problems of foreign prisoners in Pune; project on legal aid with City University of New York. Additionally, he worked as a co-investigator on ‘Report on Transformation of the Criminal Justice System in India’ submitted to the Ministry of Home Affairs, Government of India in April, 2020; worked as a member of committee on recommendations on Digital Courts Vision & Road- map (Phase III of the e-courts Projects) in May, 2021. He also guided 13 projects on various aspects of the criminal justice system with CID, Pune. He has more than 25 publications on his account including publications indexed in SCOPUS and WoS.

He worked as a member of the outcome report of Round Table Discussion on “Draft Guidelines for Conducting Preliminary Assessment under Section 15 of the Juvenile Justice (JJ) Act, 2015” organised by SLS, Pune in January, 2023, report has been submitted to NCPCR.

Previously, he served as the Deputy Director (Administration) at Symbiosis Law School, Pune for 3 years. He has been invited as a resource person to over 50 national and international conferences, programmes, workshops etc. He has completed Advanced Course in Copyrights and Related Rights (ACCRR-WIPO Academy) in 2008, General Course on Intellectual Property Rights (GIPR-WIPO Academy) in 2008, Diploma in Crop Science (Amaravati University, India) in 2001, Diploma of Library Assistant, Library Director, Maharashtra State, 2003 and Certificate Course on Cyber Law and Security (Gujarat National Law School, India), 2012.