



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. Trupti Manish Rathi is a legal professional with over 15 years of extensive experience in corporate laws, spanning academia, legal research, and professional practice, with specialization in Company Law, Corporate Governance & Finance, Banking Laws, Investment Laws, and Insolvency and Bankruptcy Law.

She holds a Ph.D. in Corporate Laws (Corporate Governance) from Symbiosis International (Deemed University), Pune, and has consistently engaged with complex issues of corporate governance, regulatory frameworks, and legal reform.

Currently serving as **Assistant Professor of Law at NICMAR University, Pune**, Dr. Rath leads courses on the Insolvency and Bankruptcy Code (IBC), Corporate Laws, Banking Laws, Mergers & Acquisitions, and related commercial laws. Her career includes academic leadership at Symbiosis Law School, Pune, supervision of LL.M. dissertations, interdisciplinary research coordination, and designing specialized corporate law modules.

She has presented and published extensively in SCOPUS-indexed journals and on platforms such as IIM Ahmedabad, the IUCN Academy of Environmental Law Colloquium, and the International Conference on Insolvency and Bankruptcy Laws (RGNUL, Punjab). She also serves on the Review Board of the Research and Journal Cell at Army Law College, Pune, mentoring faculty and students in corporate and financial law research.

Beyond academia, Dr. Rath brings practical experience in litigation, corporate advisory, legal drafting, and dispute resolution, providing a holistic perspective on corporate and insolvency practice. She is an active member of **INSOL India, INSOL International, and the Global Alliance for Justice Education**, and is currently part of the **INSOL Future Leaders Programme – India**, strengthening her engagement with global best practices in restructuring and insolvency.