
If the law has made you a witness remain a man of Science. You have no victim to avenge, no guilty or innocent person to ruin or save. You must bear witness within the limits of the Science.

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SINCE THE dawn of civilisation man has been trying to express himself in various ways. One of the ways has been through handwriting. Handwriting is produced from the point and body of the writing instrument which is the result of a harmonious combination of the mind and the writing muscles of each writer. Handwriting being an acquired individual habit, therefore, no two persons in the world can write alike in all respects of their minute details. Like the human body, handwriting also grows and degenerates after passing through the stages of infancy, youth and old age. Handwriting, once matured, shows several fixed writing habits of the writer which finally become an integral part of his writing personality. For critical analysis of individual writing habits and idiosyncracies of each writer, characteristics like pictorial effect, movement, speed, shading, slant, pen-pressure, pen-position, alignment, arrangement, line quality, size, space, position and formation of letters etc. are examined and compared by the handwriting experts, in the disputed and specimen writings, in order to find out whether they are written by the same person or by different persons.

In the modern world of complex structure, the use of documents involving handwriting and also the type scripts has considerably increased. At some time or the other one is required to handle, execute or witness a will, cheque, agreement, receipt, partnership or transfer deed, power of attorney, application etc. and the genuineness of such documents is sometimes questioned before the court of law. Under these circumstances, as provided under section 45 of Indian Evidence Act, the opinion of the handwriting expert becomes relevant.

It is with this intricate and fascinating subject of handwriting identification that Mr. Mehta's book Identification of Handwriting and Cross-Examination of Experts deals with. There is a great dearth of good books, specially by Indian authors, on this little known subject, which is a growing science and has application of other sciences like Chemistry, Physics, Mathematics, Photography, Inks, Psychology, Microscopy, etc.

It is really regretted that in most cases, in India, two experts appear in the court holding diametrically opposite views. This state of affairs is greatly responsible for the wrath of the judiciary and consequently in
losing faith in the handwriting experts and in this science. It has to be admitted that one of such two opposite experts is wrong, may be either incompetent or biased.

The publication of this book is most welcome at this stage. It was first published in 1952 as How To Cross-Examine Handwriting Experts. The very fact that it is running in the 4th edition shows its popularity. There are 399 pages divided in 15 chapters with 233 illustrations in this book. In the beginning 99 cases are mentioned in the ‘Table of Cases’.

The purpose of the author in writing this book has been “to dispel the popular belief that identification of handwriting is not a science”, and also “to present a broad insight into the subject and to guide, particularly the lawyers and the new entrants to the field, who have to deal with documents suspected to be false”.¹

The author has presented this difficult and intricate subject in an interesting, simple and understandable manner for which he deserves congratulations. By his commendable efforts he has considerably justified his purpose as mentioned in the preface.

The main feature of this book is that the author has combined two aspects in one book (a) the exposition of some of the basic principles of the science of identification of handwriting and (b) the rendering of the useful guidance to the lawyers in the art of methodical and effective cross-examination of experts.

The author has thrown a flood of light on various aspects of this science and the profession of handwriting experts. He has ably discussed the desirability of re-organisation of experts and some governmental control in this line. Since no particular qualifications are prescribed for the practising experts, there are many who enter the field without any proper training and it is mostly this section of unscrupulous persons who are ready to offer any opinion, in any case, on the dictation of the clients, for the sake of some monetary gain and that is how the cause of justice and the science suffers heavily.

In such a confused and unhealthy state of affairs it is really no fault of those who believe that identification of handwriting is not at all a science. It is the sacred duty of the practising handwriting experts to conduct themselves in such a responsible and noble manner that the lost faith of the judiciary could be regained and this science could be given the proper respect and position in the administration of justice which it richly deserves.

The first chapter is ‘Is the identification of handwriting a Science’. In this chapter the author has successfully tried to establish that (a) in spite of the fact that any person can at will try to change his handwriting and thus create some superficial differences, and (b) that in almost all cases of disputed documents two experts appear on either side to support dia-

metrically opposite views in the court, 'identification of handwriting is a dependable science'.

The handwriting of every writer shows certain amount of natural variations also, which is a must for all genuine writings. The reason is that the human hand does not act like a machine. The common belief that identification of handwriting is a simple matter, therefore, is not true. In fact, it is a very difficult and intricate subject which requires a keen and thorough study and a matured experience of the expert in correctly observing, interpreting and weighing all the points of similarities or dissimilarities, individually as well as in grouping, in any given set of disputed and specimen writings.

The reviewer shares the grief of the author that:

It has been the painful experience that many a time when he requested the courts to permit him to give demonstration of the reasons and arguments advanced by him, they invariably declined and brushed aside the request on the ground that the subject was all Latin and Greek to them.

Then again, some of the courts hold the view that if they were to have the demonstration at the preliminary stage, it may amount to the expression of their opinion on the matter at that stage. They would rather like to have the demonstration at the time of arguments. Some of the Hon'ble Judges of the High Courts, on the other hand, have held that the courts should ask the expert witnesses to explain the various characteristics. In this connection the author has given a relevant extract from the judgement in *Crown Prosecutor v. Gopal alias Malyathan* to support his view.

On page 23, the author gives an example of the defective way of examination-in-chief and also cross-examination which is bound to lead to miscarriage of justice. It is the sacred duty of the lawyer to see and ensure that the expert is examined in a proper manner, bringing on record the expert's qualification, competency, and experience in the profession. It is also the noble duty of the cross-examiner to see that an expert who is deliberately expressing a wrong opinion is thoroughly falsified and fully exposed.

In chapter II, the author has dealt with (1) Relevancy of Expert evidence, (2) The Expert, (3) Expert opinion, (4) Whether the knowledge of a particular script is essential, (5) Opinion on photographs, (6) Cross-examination by Experts and (7) Evidence on commission.

In India, the general tendency of the courts is to put more reliance on the eye-witness rather than on expert evidence. But there are several instances also, in the personal experience of the reviewer, where the courts

2. *Mehta* at 22.
have put more reliance on the scientific expert testimony in preference to that of other eye-witnesses. The better course, therefore, will be to approach the problem with an open mind and without any traditional bias. The expert testimony must be given the due weight which it rightly deserves, if supported by convincing, scientific and detailed reasons. This expression of generalised and sweeping remarks such as ‘Expert testimony is bogus or useless’ by certain section of lawyers or even some courts before any handwriting expert deposes, is really regrettable and should better be discouraged. The reason is that in many cases expert evidence has greatly helped in bringing the truth to light and the services of the experts have been highly appreciated even by the highest court in the country.

The reviewer agrees with the author that though an opinion can be given on the basis of enlarged photographs only, it is always better if the examination of the original documents is also done. The reason is that very often the original document affords a very conclusive evidence about the fraudulent nature of the document like the presence of carbon or pencil outlines, in a case of traced forgery, accompanied by some indentations on the back of the document or the obvious differences in the colour and shade of inks in a case of alteration. Special technique, experience, skill and apparatus are required to present photographic evidence in such cases, as the above defects cannot be fully appreciated in a photograph taken by an ordinary photographer.

As rightly suggested “the effective way of cross-examination of an expert will be by another expert, holding a special power of attorney for this purpose.” This view has been expressed by some courts also though there is conflicting opinion on this point.

In *Thumnu Deo v. Bal Deo*, it was held that in specific cases an expert can be allowed under a special power of attorney to cross-examine an expert in the same line of business coming as a witness for the other side. In *In re Governor General in Council*, it was held that a recognized agent of a party is entitled to examine and cross-examine witnesses. In *Govind Narain v. Smt. Chhoti Devi*, it was held that the handwriting expert in whose favour the party has executed a special power of attorney can be allowed to cross-examine the handwriting expert of the opposite party. As the cross-examination of an expert is a technical matter, the practice of allowing an expert to cross-examine another expert, therefore, is a very healthy one and in many cases it has really proved enlightening, effective and time saving.

Chapter III deals with photography, in which the importance and the utility of proper type of photographs, in the examination of various aspects of disputed documents problems, has been mentioned. In this

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4. *Id.* at 36.
5. 1942 Nag. L.J. 449.
Chapter only few lines have been given on examination and photography by ultra-violet rays. In modern crime detection problems, specially concerned with disputed documents like forgeries, chemical erasures, additions and differences of ink etc., this type of examination and photography is of utmost importance. This aspect has not been discussed in the manner in which it ought to have been done. Further, there is no mention of 'infra-red photography' and 'stereoscopic photography' which are also of great importance in document investigation and handwriting identification. What is most disappointing is that this book nowhere gives any photograph prepared either under ultra-violet rays or infra-red rays or by stereoscopic photography method.

Chapter IV deals with languages and dialects in India. The author has mentioned that in India there are as many as 179 languages and 544 dialects, though only 15 regional languages are recognised by the Constitution of India. The author has described various scripts which are written from right to left and others written from left to right and also the regions of different states of India where they are used. This chapter is very useful and informative specially for foreign readers because it gives an idea of the complexity of the script problems that an expert has to face in India.

Regarding indifference of the courts towards experts, the author boldly raises his voice.

What an irony! The expert, no matter howsoever honest and fair, is under suspicion right from the moment he enters the witness-box while the credibility of other witnesses is not doubted till the court sits in judgment.\(^7a\)

It goes without saying that the cause of justice is bound to suffer heavily if any court starts with bias and prejudice against the expert testimony.

While talking of courtesy and politeness the author is justified when he says:

The best way to cross-examine is to be courteous and polite to the witness. There are many instances when a polite and courteous expert witness not only won the sympathy of the court but due to his balanced quick answers completely uprooted an aggressive cross-examiner and thus established his case to the hilt.\(^8\)

The author gives a useful advice:

To enliven the interest of the court, the beginning, therefore, should be made rightly with the strongest points of attack or

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\(^7a\) Mehta at 53.

\(^8\) Id. at 54.
the weakest points of the reasonings of the expert, for which he
is not generally prepared...⁹

Very often this technique can shake the untruthful expert witness.

The first cardinal principle of cross-examination, as rightly outlined
by the author is, "to avoid oneself being dragged into personalities. It
is a poor exhibition and shows utter lack of knowledge and etiquette."¹⁰
Another golden principle mentioned is, "not to cross-examine more than
is absolutely necessary and that every question must have some object
behind it."¹¹

Coming to the shortcomings in cross-examination, the author says:

[A] lawyer who has not received favourable answers to his
questions becomes upset and loses his temper. By losing
temper, he forgets his own point of view and cross-examines
in a haphazard manner. The natural result is that he openly
exhibits his own lack of knowledge and loses the sympathy
of the court while the witness gains the sympathy of the court
and the court is sub-consciously impressed by his evidence.¹²

In this chapter the author has given very useful tips for effective cross-
examination of the experts and the cross-examiner is bound to gain
immensely by practising these hints.

Chapter VI deals with 'standards of comparison', which are of the
utmost importance in the identification of handwriting. The first requisite
as mentioned is to obtain adequate standards, both from the point of view
of quality and quantity, for comparison with the disputed bodywriting
or signatures, as the case may be, in the absence of which expert opinion
can be wrong and misleading.

The author correctly lays emphasis on the basic principle that
"like must be compared with like." He recommends that while taking
the specimens, factors like sitting or standing posture, with or without
support, the type of writing instrument, i.e., the pen, pencil or ball point pen,
the type of ink, paper, the size of paper or the space available, the physical
or the mental condition of the writer etc. must be similar as far as possible
to the conditions under which a disputed writing was made. Taking from
the judgment in Abdul Gani and Another v. Devi Lal and Another,¹³ the
author says:

In obtaining a specimen hand-writing the same type of paper,
the same colour of ink and the same kind of medium, as were

¹⁰. *Id.* at 57.
¹¹. *Id.* at 59.
¹². *Id.* at 60.
used in the disputed hand-writing should be used as far as possible.\textsuperscript{14}

No doubt all possible efforts must be made to obtain the specimens by creating similar circumstances as were responsible for producing the disputed writing; but in many cases, it is not possible to do so. For example, if a disputed signature was written when the writer was having a fever of 104 degrees and was irritated, then to expect a man to give his specimens after creating the circumstances of his having a fever of 104 degrees coupled with the same type of irritation is not possible. By the non-availability of the specimens, strictly of this type, it should not be understood that in the absence of such a data no opinion can be given by the expert. The fact is that very often the expert can give a correct and definite opinion even if the specimens are obtained when that person is having neither fever nor irritation. Further, if the disputed signature is made on a rough surface and the specimens available are on a comparatively smoother surface, then such data should not be considered as unsatisfactory for comparison, because scientific comparison can be made with that data also. The only point to be remembered is that reasonable allowance should be given by the expert to the possible differences which might occur due to different circumstances of writing-production.

Further, if the disputed writing is in pencil and the specimens have been taken with pen and ink, then such specimens cannot be termed as useless for comparison, because the comparison of disputed pencil writing with specimen pen writings is possible. As Osborn says:

\textit{The most significant form characteristics of pencil writings are in general character the same as those in pen writings by the same individual and a questioned writing in pencil may properly be compared with pen writing.}\textsuperscript{15}

Chapter VII deals with ‘general characteristics’ which include \textit{(a) skill of writing, (b) line quality, (c) speed, and (d) rhythm of writing’}. The author has not correctly defined as to what exactly is meant by the term ‘general characteristics’ and in what way they are different from the ‘style characteristics’ or the ‘individual characteristics’.

On page 109, eight important rules for judging the speed in writing have been given. Understanding of these rules can prove helpful in correctly appreciating some scientific aspects of handwriting identification. The author would have done well if he had mentioned the following important rules also:

\begin{enumerate}
\item[(a)] The heavier the pressure slower will be the writing speed.
\item[(b)] The rougher the writing surface slower will be the writing speed.
\end{enumerate}

\textsuperscript{14} \textit{Mehta} at 63.

\textsuperscript{15} Osborn, \textit{Questioned Documents} 31 (1943).
(c) The heavier the shading the slower will be the writing speed.
(d) The lower the pen-hold the slower will be the writing speed.
(e) The harder the nib of the pen the slower will be the writing speed.

The author has given some useful model questions at the end of various chapters, but some of them do not seem to be happily worded. To give one example, on page 131 the author says in question No. 3, "Please explain in detail the line quality". The better method of putting this question scientifically is "Please define and explain the term line quality".

Chapter VIII deals with 'Writing habits'. According to the author these habits pertain to: (1) movement, (2) pen-pressure, (3) shading, (4) pen-position, (5) alignment, (6) slope or slant, (7) spacing, (8) arrangement, (9) size and proportions, (10) style, (11) quality of strokes, (12) general execution.

The term 'general execution' is nowhere mentioned as a 'writing habit' by any standard author, like Osborn, Brewester, Ames, Hargan, Harrison, Hilton and Baker. It is, as such, no characteristic also. Characteristic in handwriting identification is that which characterises the writing in some particular aspect and which, when considered with other factors, ultimately helps in deciding whether two writings are made by the same person or by different persons. The author has not clearly explained as to what is meant by the habit of 'general execution'. No photograph has been given in the book to illustrate it. The author says:

General execution definitely helps in the overall estimate of the identity or otherwise of a questioned writing with an admitted one.  

The expression is rather vague because the author does not specifically point out as to what is included and what exactly is meant by this term. The proper term should have been 'pictorial effect' which means the general outward appearance of a writing without going into the detailed examinations of various writing characteristics. Osborn says:

The undisguised and ordinary handwriting of a friend thus becomes to us almost as recognizable as the friend's face, and this general appearance or pictorial effect is always of assistance in identifying a writing.

Chapter IX deals with 'Personal Characteristics' and under this head, following sub-divisions are given:

1. Form and formation.
2. Variations.
3. Relative position of letters.

17. Osborn, supra note 15 at 363.
4. Pencil writings.
5. Carbon impression writings.
6. Ball-point pen writings.

The author describes ‘Personal Characteristics’ as:

Each individual develops his own style of formation of letters, technically called personal characteristics, and with the passage of time his style gets ingrained and provides valuable data for the identification of his handwriting.  

As regards the inclusion of (1) form and formations, (2) variations and (3) relative position of letters under the head of personal characteristics is concerned it is correct, but the mention of (4) pencil writings, (5) carbon impression writings, and (6) ball-point pen writings, under this head is basically wrong and they should not have been mentioned under the head of ‘personal characteristics’. It would have been better if a separate chapter as ‘pencil, carbon impressions and ball-point pen-writings’ would have been given in this book at some appropriate place. In no way can it be said that ‘pencil writings, carbon impression writings and ball-point pen writings’ are the ‘personal characteristics’. They are only different kinds of writings made by different writing mediums by any writer. The fact is that as in pen writings, form and formation, variations and relative position of letters are considered as personal characteristics, similarly they are personal characteristics in pencil writings, carbon impression writings and ball-point pen writings also. The division of these six sub-heads, therefore, is technically wrong and misleading.

The reviewer fully agrees with the author that:

The comparison of writings in two different scripts cannot be made.... An opinion based on such a comparison is, therefore, neither desirable nor dependable.

The cardinal principle of handwriting identification viz. ‘Like should be compared with like’ clearly means that disputed writing in English must be compared with specimen writings in English only and so on, therefore, should be strictly followed by the expert. The reason is that the general and personal writing habits of a writer will not be the same when he writes in two different scripts for example English and Bengali etc.

F. Brewester, in his book Contested Documents & Forgeries says:

(a) Comparison in different scripts: It has been frequently asserted that a person’s writing in any one language can be proved, or disproved, to be his by comparison with specimens

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18. Mehta at 177.
19. Id. at 193.
of his writing in another language... A moment's reflection will serve to prove the unjustifiability of this assertion.\textsuperscript{20}

It is, therefore, highly improper to compare writings in two different scripts and give an expert opinion. In fact such reports should never be admitted in evidence.

On page 195 the author has given a collection of some definitions under the heading of 'terminology'. They can be usefully utilised by the cross-examiner in testing the knowledge of the experts.

The author, under the sub-heading 'carbon impression writings' says:

A carbon impression writing is the result of a pencil writing made in the same process with a carbon paper between the sheets, and therefore, there is no difference in the characteristics in such writings.\textsuperscript{21}

The reviewer does not agree with the above observation of the author, because it is not always true that carbon impression writing is the result of pencil only. The fact is that carbon impression writing can be the result of any pointed writing instrument like fountain pen, ball-point pen or a reed pen besides a pencil.

The reviewer further does not agree with the author when he says, “There is no difference in the characteristics in such writings”\textsuperscript{22} (carbon impression writings). The reason is that more the number of carbon impression writings obtained in the same operation, by the same writer, by using say five or ten carbons then the line quality of the lowest carbon impression writing is bound to be comparatively more defective and faint due to lesser pen-pressure being exercised on the lowest sheet. Therefore, in a case where five or ten carbon impression writings are obtained in the same operation, it will be wrong to say that “there will be no difference in such writings”. The fact is that some difference will be in the characteristics of line quality, pressure and shading. Further, the condition of the carbon paper used in between the sheets of papers for copies will also affect the carbon impression writings. If more used is the carbon paper, the more defective, hazy and faint will be the carbon impression writings.

On page 204, in the last para, the author says:

It is important to remember that in any two writings written in the same script either by the same person or by different persons, there occur certain similarities as well as differences in the formation of the letters. If the writings are by the same

\textsuperscript{20} F. Brewester, \textit{Contested Documents and Forgeries} 302-3 (1932).
\textsuperscript{21} \textit{Mehta} at 202.
\textsuperscript{22} \textit{Ibid}.
person, the differences are natural and superficial; and the resemblances in many ways are peculiar and personal. Conversely, in the writings of different persons, the resemblances are always in superficial parts, which are, however, common to most of the writers, and the differences occur in the fundamental parts.

The author does not clearly define as to what is independently meant by either a ‘natural difference’ or a ‘superficial difference’. He has also not given photos to illustrate such differences. The reader is kept in dark and left to his own guess work for differentiating between a natural and a superficial difference, the presence or absence of which will ultimately decide the fate of the case. This is an important aspect of the problem which should have been discussed in a more rational, detailed and methodical manner. The proper and logical method will be to define, illustrate and explain in absolutely clear terms as to what exactly is meant by a natural and superficial difference in any two writings.

In chapter X the author has elaborately discussed various kinds of forgeries which, according to him, are of seven types. He has explained them in a simple and easy manner. He has given some interesting illustrations of ‘forgery by memory’ i.e. Fig. 157 & 158. It is indeed a very rare phenomenon to commit forgery by memory, because the forger usually succeeds in obtaining some genuine writing model to copy and prepare the forgery. Therefore, there is hardly any occasion for the forger to exert his memory. It goes without saying that for achieving success the forger needs an exceptionally good memory and also superb skill to faithfully reproduce the essential features of the original writing. It is, however, extremely difficult to distinguish between a good forgery by free-hand method and a good forgery by memory. Any way, it affords an interesting field for further research in the matter.

On page 208 the author says:

If the personal and internal characteristics of the alleged writer are carefully analysed and are found to be absent in the questioned document, the fact of forgery can be easily established.

The author has not clearly defined as to what is meant by an ‘internal characteristic’ and in what way it is different from ‘personal characteristic’ and how to judge these characteristics. The reasonable question which arises in the mind of the reader is as to what will be an ‘external characteristic’ as opposite to ‘internal characteristic’ and what could be ‘non-personal characteristic’ as against ‘personal characteristic’. No photos have been given to illustrate the ‘internal’ and ‘personal’ characteristics of any writing.

Chapter XI deals with ‘disguised writings’. The author has ably discussed various kinds of disguised writings supported by interesting illustrations. A common type of disguise writing with a different hand
other than the one which is normally used in writing, however, does not find any mention in this book.

The author gives chapter XII, the heading 'inks; additions, alterations, erasures and sequence of strokes'. The arrangement of matter would have been much better if separate chapters were given on 'inks' and 'erasures'. As regards 'additions, alterations and sequence of strokes' they can be placed under one heading. The discussion on 'inks' is far from satisfactory. It needs a lot of improvement with reference to the latest developments in the science.

The author on page 306, says: "Any fraudulent addition will show difference in line quality, pen-pressure, shading, pen-position, speed and skill." The fact is that besides the above characteristics, the difference can occur with regard to other handwriting characteristics also, like pictorial effect, movement, slant, relative slant, alignment, arrangement, size, space, position and formation of letters or figures etc., which the author has not mentioned. A good number of useful photographs occur in this chapter. Figure 192 is an interesting illustration showing discontinuity and continuity of writing movement in '33'.

While discussing 'erasures' the author describes two kinds: (1) by mechanical process. (2) by chemical process. The author says that chemical erasures can be revealed with the aid of ultra-violet rays lamp or even by chemical fuming process. It is rather disappointing that the author has not given a single photograph to illustrate detection of chemical erasure taken either with the help of ultra-violet rays lamp or even with the help of chemical fuming process.

Chapter XIII deals with 'type scripts'. This chapter gives very good information about various kinds of typewriters and the efforts made by the author to collect these data are really commendable. Several good illustrations have been given which have added to the utility of this chapter. Some of the illustrations have been supplied by Mr. Ordway Hilton of New York, a leading document expert and one of the authorities on identification of typewritings, from actual cases handled by him, for which Mr. Mehta has rightly expressed his gratitude.

In this chapter the author discusses the importance and the reliability of 'type-scripts identification'. In a convincing manner he explains that in any examination of a type-written matter, there are always two factors which have to be kept particularly in view, that is, the general characteristics and individual characteristics. General characteristics are the designs of the letters, the size or the style of type, and lateral and vertical spacing of the characters. They may generally be the same in typewriters of same specification and make. The individual characteristics, that is, some of characters may have an irregular spacing between them; the malalignment of the characters, either horizontal or vertical, line quality in the evenness in the impressions of the
characters and the damaged or battered condition of any character or characters. The individual characteristics have, therefore, a greater value in the identification than the general characteristics.\textsuperscript{23}

On page 317, the author says, "...and in India the machine was introduced in a halting manner in the first decade of the present century..." The expression 'halting manner' is rather poor and cannot be accepted as good English.

The author on page 339 further says, "The question whether a particular document has been typed by a particular operator is very difficult to answer..." The reviewer partly agrees with the observations of the author. It is, no doubt, usually difficult to find out the operator, but in some cases it is easily possible also. Mentioned below are some authorities:—

(1) Albert S. Osborn, in his book \textit{Questioned Documents} says:

Different habits of touch, spacing, speed, arrangement, punctuation, or incorrect use of any letters, figures, or other characters may also show that a document was not all written by one operator, or may show that a collection of documents was produced by several different operators...\textsuperscript{24}

(2) F. Brewester, in his book \textit{Contested Documents & Forgeries}, says:

Where, however, there is any abnormality, such as excessive indentation, or no indentation at all, at the beginning of each paragraph, wrong spacing after a comma, colon or full-stop, incorrect use of the hyphen, letters or figures, bad spellings, these might all be very significant as indicating the same operator.\textsuperscript{25}

(3) Ordway Hilton, in his book \textit{Scientific Examination of Documents} says, "...At times a quantity of personal habits appear in the disputed document, by which it is possible to identify the typist..."\textsuperscript{26}

(4) Wilson R. Harrison, in his book \textit{Suspect Documents} says:

More detailed consideration will be given at a later stage to the problem of determining the authorship of type-script, but for the present it will be sufficient to state that something positive in this direction can often be accomplished.\textsuperscript{27}

\textsuperscript{23} Id. at 328-331.
\textsuperscript{24} Osborn, \textit{supra} note 15 at 584.
\textsuperscript{25} Brewester, \textit{supra} note 20 at 289.
\textsuperscript{26} Hilton, \textit{Scientific Examination of Documents} 195 (1956).
(5) J.N. Baker, in his book *Law of Disputed and Forged Documents* says, “When sufficient typewriting is available for comparison the peculiarities in the manner of typing will frequently identify the operator.”

(6) J.N. Baker again says, “In Huber Mfg. Co. v. Claudel [71 Kan. 441, 80 P. 960], the writer of a typewritten letter was identified by the manner of writing…”

The reviewer fully agrees with the author that the identification of typewriting is an exact science and to have no provision in the Evidence Act regarding it is to put a premium on detectable, demonstrable and proveable forgery. Given below are the quotations from some world famous authorities supporting the view that identification of type-scripts is also a definite science:

(a) Albert S. Osborn, in his book *Questioned Documents* says:

Fortunately it often is possible to expose typewriting fraud so effectively that suits actually on trial are discontinued, or are not taken into court, but no doubt a great many fraudulent typewritten papers have entirely escaped suspicion and served their evil purposes because of the erroneous assumption that the fraudulent character of a typewriting could not be exposed.

(b) F. Brewester, in his book *Contested Documents & Forgeries*, says, “... it is possible to demonstrate in the clearest possible manner that a document was written on a particular machine...”

(c) Hanna F. Sulner, in her book *Disputed Documents* says, “This makes it possible to establish beyond doubt the identity of the machine.”

(d) Ordway Hilton, in his book *Scientific Examination of Documents* says:

Now, by comparing a disputed specimen of typewriting with the work of suspected typewriters we can extend the analysis to identify the particular machine on which the disputed matter was written. The basis of this identification is the individuality of every typewriter.

(e) Wilson R. Harrison, in his book *Suspect Documents* says:

In the experience of the author, positive identification of the type has been possible in about ninety per cent of the cases which have been submitted to his laboratory, which is a very gratifying

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29. Id. at 494.
31. Brewster, supra note 20 at 271.
33. Hilton, supra note 26 at 184.
result when it is considered how wide is the range from which the questioned type-script is drawn—machines fitted with a multitude of type-styles drawn from all over the world.  

(f) J. Newton Baker, in his book Law of Disputed and Forged Documents, says:

When clear and sufficient specimens are available for comparison it can be shown to an absolute certainty that a particular typewritten instrument was produced on a certain machine...  

(h) P.L. Kirk, in his book Crime Investigation says:

Every typewriter is individual with respect to certain minor characteristics, the study of which allows identification of that typewriter with a relatively high degree of accuracy...  

(i) J.R. Richardson, in his book Modern Scientific Evidence says that:

In a case wherein typewriter identification was a crucial issue, the defendant was convicted of having offered in evidence as genuine a certain document, knowing that it had been forged and fraudulently altered by insertion of the words 'the same' therein...  

(j) Charles C. Scott, in his book Photographic Evidence says:

At first thought one might think it impossible to identify typewriting as having been produced by a certain machine or a certain operator, but the truth of the matter is that by means of properly made enlarged photographs bringing out the points of identification, the questioned document examiner sometimes can demonstrate the identity of typewriting to judge and jury just as readily as he can show handwriting peculiarities...  

Since the identification of type scripts is an exact science it is really a matter of great concern that according to Indian Evidence Act, the expert opinion on type-scripts is not admissible, though in several advanced countries like U.S.A., France, England etc. the expert, evidence on type-scripts is admissible.

34. Harrison, supra note 27 at 256.
38. Scott, Photographic Evidence (1942).
It will be really tragic if no notice is taken by the government and the judiciary in India of such a definite and useful legal evidence. It is long due and the reviewer hopes that the legislature will soon take up this matter and make a suitable amendment in section 45 of the Evidence Act as to make expert evidence on 'type-scripts' also admissible.

Chapter XIV is devoted to 'examination-in-chief'. According to the author:

The first essential of the examination-in-chief is to bring on record that the witness is an expert within the meaning of the law and is qualified to depose as such. 39

It is necessary that his qualifications, experience, status and detailed reasons for the opinion expressed should also be asked from him.

Chapter XV deals with 'expert evidence and case law'. The author has taken pains to collect useful rulings from different sources which enable the reader to understand the views of the judiciary on various aspects of the 'expert evidence' in India.

An interesting ruling appears on page 354 and 355 relating to Manabendra Nath Roy v. Emperor 40 which reads as under:

Admissibility of opinion of experts on writings in different scripts:— Certain letters of the appellant which were produced as evidence were written in Bengali. Learned counsel for the appellant has argued that so far as these letters are concerned the evidence of the handwriting expert is inadmissible. This contention cannot be maintained. The handwriting expert in the course of his evidence gives reasons why he concludes that these letters in Bengali are in the handwriting of the appellant. He notes the peculiarities of the accused's handwriting when he writes in English and he points out that these peculiarities are evidenced in his handwriting in Bengali. It does not appear improbable that such peculiarities should be detected in both types of writing and there is no reason for refusing to accept the evidence of the expert on this point.

As mentioned earlier scientifically it is neither permissible nor possible to compare writings in two different scripts like Bengali writing with English writing. Therefore, there is absolutely no justification for any expert to give an opinion on such a comparison which will be absolutely wrong and unscientific. Such a faulty approach hits at the very root of the basic principle of handwriting identification, i.e., like must be compared with like which clearly means that a writing in Bengali script must be compared with a writing in Bengali script only and there can be no basis

40. A.I.R. 1933 All. 498.
to compare Bengali writing with English writing by the expert. If such practice is allowed by the courts then the whole basis of the science would totally be falsified.

After chapter XV the author gives his bibliography. It includes names of famous scientific and law journals and also several standard books on the subject. Then follows the Index which has been prepared with great labour. It gives a ready reference to the reader on different points.

Last of all, on pages 398 and 399, comparative chart appears in which the numerals and alphabets of 14 Indian languages have been given. It can be of great utility and interest and should be kept as a reference guide.

The author has laboured very hard in the preparation of the 4th revised edition of this book, for which he richly deserves compliments from all concerned. But a critical examination, however, reveals a number of defects which are really disappointing. This book suffers from some inherent and serious type of self-contradictions in the discussion of scientific matter which confuse the reader and ultimately put the author in an awkward position. Few examples are given below:

(a) The author on page 331 in para 1 says:

It must be stated that once a paper has been taken out from the machine, it is almost impossible to re-insert the same in the machine in such a manner that any subsequently written matter will bear an exact relation either to the horizontal or vertical alignment of the previously written lines.

But on page 339 in para 1, the author says:

There is, however, no doubt that a great improvement has been made in the modern machines that a paper can be reinserted by a careful manipulation in exactly the desired position, so that the matter that has been subsequently interpolated will bear an exact relation to the previous written letters or lines.

(b) In the preface on page V the author in para 3, says, "Identification of handwriting is a science" and in the introduction, (page VII in para 2) he says: "There are many who have entered the profession without any proper training or grounding in the art of handwriting expert". In para 2 of page 20 the author further says, "...the study of identification of handwriting, which is an off-spring of forgery, is no longer empirical but is an art and a scientific matter." The author calls identification of handwriting a 'science' at some place, an 'art' at another place and both at page 20. This inherent contradiction gives the impression that the author himself is not clear in his mind whether handwriting identification is a science or an art or both and whether he is writing a book on science or on art.
(c) In para 3 at page 21 the author says:

It has, however, to be conceded that the science of identification of handwriting has not yet reached that stage of perfection as other sciences, such as the science of Mathematics or Finger­prints, yet it has made such a remarkable progress that a correct conclusion can be arrived at in every case of handwriting problem.

The author on page 32 in para 5 says, "There is no denying that expert opinion is not infallible." The author on page 24 himself admits that:

There may be extremely difficult and border line cases in which two opposite and contradictory opinions may be possible, but such cases are rare.

Mr. Mehta has neither explained what is a difficult or a border line case nor has he given any illustration of such a case.

The value of this book could have considerably increased if the author had discussed and given some more illustrations touching the following aspects also:

(a) Problems of guided handwritings.
(b) Special measuring instruments for handwriting and type-writing identification.
(c) Individuality of a writer judged by margins habit.
(d) Indentations in a traced forgery.
(e) Special features of various types of pens and nibs and their effect on handwriting production.
(f) Effect of blotting paper on writing.
(g) Important scientific instruments like ultra-violet lamp, colour comparison microscope, document microscope, stereoscopic microscope, transmitted light apparatus, filters etc.

The author has named the book as Identification of Handwriting and Cross-Examination of Experts. Strictly speaking the presence of chapter XIII on type-scripts is definitely beyond the scope of the title of this book which claims to deal with the identification of handwriting and not with identification of type-scripts. The correct name for the book in the present form would have been Identification of Handwriting, Type-Scripts and Cross-Examination of Experts.

The author has neither correctly defined nor differentiated the often used terms a 'writing habit' and a 'writing characteristic'. In several illustrations where photographs have been placed in a juxtaposed manner one below the other the edges of photographs indicate crude, irregular and inartistic way of cutting or trimming of their edges which is often an eye-sore.

Though the book is profusely illustrated and the author has given photographs to cover many important aspects of the subject, in several
illustrations the author has not mentioned the name of the script of the writings compared. This lacuna puts the reader in difficulty and he is unable to make the best out of the laborious efforts made by the author in presenting this book.

It is deeply regretted that a book printed and published by a celebrated concern like M/s N.M. Tripathi (P) Ltd., Bombay, should have a large number of printing defects and proof reading mistakes. This part of the job has been done in a rather reckless manner which greatly diminishes the charm of reading this interesting book. The reader is often irritated. The defects lie with regard to mis-spellings, use of wrong type of faces, wrong inter-line, inter-word, inter-letter spacings and margins, wrong alignment of words and lines, wrong arrangement of matter, shaky or blurred appearance of some printed lines and irregular horizontal lines above foot notes. When taken together they show a lack of artistic taste in the general get up and production of this book.

The criticism mentioned above is not in any way intended to diminish the utility of the book. It is, on the other hand, meant to focus the attention of the author and the publisher for necessary improvement, in subsequent editions, so that this book also might justify its position as one of the best Indian books on the subject.

The author has succeeded in his thesis that identification of handwriting is also a dependable science, in spite of the fact that in some difficult and border line cases two experts may honestly differ in their opinions. He is justified in raising his voice against the general bias and prejudice for the experts, prevalent in the country, which needs re-thinking.

On the whole this book contains useful scientific data for the reader which is presented in simple language and is supported by several illustrations. In spite of some painful shortcomings, this book is a good contribution, of its own type, to the existing literature on the subject. With all its limitations, it will prove a valuable guide to all lawyers, judges and criminologists in the difficult task of cross-examination of handwriting experts. For the practising document examiners it will be refreshing and for the new entrants it will be a good introduction to the subject. It is really a praiseworthy attempt by Mehta for which he deserves encouragement and appreciation.

Brij Bhusan Kashyap*

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