

## **Admissibility of Expert Evidence in the Justice System of Sri Lanka: Challenges and Insights**

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The contemporary justice system in Sri Lanka provides for a highly evident intersection between law and science. Expert evidence based on scientific data is used to achieve a more desirable outcome in domestic legal proceedings. However, this widespread use of expert evidence has posed several challenges for judges in determining the authenticity and neutrality of such evidence. Against this background, this paper addresses whether the existing Sri Lankan law on the admissibility of expert evidence is adequate to ensure that such testimony is reliable and impartial. Therefore, the main objective of this research is to evaluate the challenges that may occur in admitting expert testimony and to propose feasible policy-based suggestions to those challenges. This paper adopts a qualitative method based on primary and secondary resources to achieve this purpose. It is found that the Evidence Ordinance merely defines who qualifies as an expert and when their opinions are considered relevant. The Ordinance does not provide special provisions for assessing their authenticity, reliability, and credibility, except the general rules of credibility. The courts can grant leave to summon such expert witnesses for prosecution or defence upon the parties' request. This lack of legal or policy guidelines for assessing the reliability of expert witnesses may pose several challenges, such as potential biases of the experts due to personal incentives, the 'hired gun' phenomenon, 'junk science' or the lack of scientific consensus. These challenges may mislead the judges, resulting in a potential miscarriage of justice. This paper proposes several policy solutions to address these concerns, such as appointing experts by the court, improving pre-trial disclosure of expert testimony and establishing an ethical conduct for expert witnesses. Based on the above analysis, it is concluded that Sri Lanka urgently needs a policy reform to ensure the reliability and impartiality of expert testimony in legal proceedings.

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