

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF AUGUST, 2021

PRESENT

THE HON'BLE MR. ABHAY S. OKA, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO.2739 OF 2021 (GM-RES)

BETWEEN:

HIGH COURT OF KARNATAKA
REPRESENTED BY REGISTRAR GENERAL
BENGALURU

...PETITIONER

AND:

THE STATE OF KARNATAKA
REPRESENTED BY CHIEF
SECRETARY
VIDHANASOUDHA
BENGALURU-560001
AND OTHERS

... RESPONDENTS

(BY SRI. VIJAYA KUMAR A. PATIL, AGA FOR RESPONDENTS-PH;
SRI. VENKATESH S. ARBATHI, ADVOCATE APPOINTED BY
KSLSA TO ASSIST HON'BLE COURT V/C/O DATED 1.4.2021-PH)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA, PRAYING TO ISSUE DIRECTIONS TO THE
STATE FORENSIC SCIENCE LABORATORY/REGIONAL FORENSIC
SCIENCE LABORATORIES TO EXPEDITE PROCESSING OF THE
SAMPLES AND FURNISH THE FSL ANALYSIS REPORTS AS EARLY AS
POSSIBLE TO ENSURE SPEEDY TRIAL OF CRIMINAL CASES AND ETC.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING
AND RESERVED FOR ISSUE OF INTERIM DIRECTIONS, COMING ON
FOR PRONOUNCEMENT OF ORDER, THIS DAY
SURAJ GOVINDARAJ J, PRONOUNCED THE FOLLOWING:

ORDER

1. The above writ petition has been entertained exercising *Suo Motu* writ jurisdiction of this Court and arises out of the request made by the learned Single Judge [who is also a party to this proceedings] to the Registrar General to place the order dated 22.12.2020 passed in CrI.P. No.7019/2020 before the Hon'ble Chief Justice for consideration and appropriate directions.
2. In the present writ petition, the following reliefs are sought for:
 - a) Issue directions to State Forensic Science Laboratory / Regional Forensic Science Laboratories to expedite processing of the samples and furnish the FSL analysis reports as early as possible to ensure speedy trial of Criminal Cases.
 - b) To establish a monitoring system to monitor the passage of the sample and submission of report.
 - c) To direct the state government to fill up the posts in FSL's immediately as when the post becomes vacant.
 - d) To direct the State government to make all the sections of RFSL's operational.
 - e) To direct the state government to provide sufficient infrastructure with latest and modern equipments.

f) To direct the Trial Courts to permit the examination of FSL officers through video conference and to maintain strict vigil while awaiting reports.

g) To direct the state government to provide/make facilities for video conferencing in the FSL's so as to connect with the Court whenever it is required for the officer to appear and depose.

h) To direct the state government to consider establishment of FSL's at District Levels.

i) Issue any other directions or appropriate orders/Writ in the interest of justice and equity.

3. The Writ Petition, having been filed on 08.02.2021, notice was issued to the respondents, which was accepted by Shri. Sri. Vijaykumar A.Patil, Learned Additional Government Advocate.
4. A direction came to be issued to the Director of the State Forensic Science Laboratory to place on record the details of the infrastructure, machines, human resources etc., needed to strengthen the State level and Regional level laboratories; the Secretary in charge of the Home Department was also directed to file an affidavit in relation to the above as also the immediate measures which the State Government intends to take to improve the situation.

5. An affidavit was filed by Sri. Rajneesh Goel, s/o Dr S.L.Goel, the Additional Chief Secretary, Home Department, on 16.03.2021 stating that:

5.1. The Technical man power for each designation/cadre is as under:

Designation / Cadre	Sanctioned Strength	Actual Strength	Vacancy
Director	1	1	0
Joint Director	3	0	3
Deputy Director	15	5	10
Assistant Director	46	18	28
Senior Scientific Officer	88	52	36
Scientific Officer	186	48	138
Lab Assistant (Photography)	1	0	1
EEG Technician	7	0	7
Laboratory Attender	118	32	86
O.T. Attender	1	0	1
Armorer	2	1	1
Total	468	157	311

5.2. After stating so, he had undertaken that the large number of vacancies indicated in the aforesaid table would be filled up at the earliest.

5.3. He has stated that the following sections are operational in the State Forensic Science Laboratories [SFSL] and Regional Forensic Science Laboratories [RFSL]

Sl. No.	Laboratory & Location	No of Sections sanctioned	Name of Sanctioned Sections
1	State FSL, Bengaluru	13	Biology, DNA, Chemistry, Toxicology, Narcotics, Question Documents, Forensic Psychology, Photography, Computer Forensics, Mobile Forensics, Audio-Video Forensics, Fire Arms, Physics
2	Regional FSL, Davangere	6	Biology, Chemistry, Toxicology, Question Documents, Forensic Psychology, Photography
3	Regional FSL, Mangaluru	7	Biology, Chemistry, Toxicology, Question Documents, Forensic Psychology, Photography, Fire Arms
4	Regional FSL, Belagavi	6	Biology, Chemistry, Toxicology, Question Documents, Forensic Psychology, Photography
5	Regional FSL, Kalburgi	6	Biology, Chemistry, Toxicology, Question Documents, Forensic Psychology, Photography
6	Regional FSL, Mysuru	6	Biology, Chemistry, Toxicology, Question Documents, Forensic Psychology, Photography

5.4. He has further stated that a three-year action plan has been drawn up by the Directorate of Forensic Science Laboratory (2021- 2024) to bring about a turnaround time of below one month for all samples. The said action plan has been prepared taking into account the present pending cases, working conditions of the said SFSL and RFSL, and in order to achieve the same, the Government also intends to add certain additional sections as under:

Sl. No.	Laboratory & Location	No of Sections sanctioned	Additional Sections Proposed
1	State FSL, Bengaluru	13	-
2	Regional FSL, Davangere	6	DNA, Digital Forensics (Combining 3 sections of Computer, Mobile and Audio-Video Forensic)
3	Regional FSL, Mangaluru	7	DNA, Digital Forensics (Combining 3 sections of Computer, Mobile and Audio-Video Forensic)
4	Regional FSL, Belagavi	6	DNA, Digital Forensics (Combining 3 sections of Computer, Mobile and Audio-Video Forensic)
5	Regional FSL, Kalburgi	6	DNA, Digital Forensics (Combining 3 sections of Computer, Mobile and Audio-Video Forensic)
6	Regional FSL, Mysuru	6	DNA, Digital Forensics (Combining 3 sections of Computer, Mobile and Audio-Video Forensic)
7	Regional FSL, Hubli	-	Biology, Chemistry, Toxicology, Question Documents, Fire Arms, Physical, DNA, Digital Forensics (Combining 3 sections of Computer, Mobile and Audio-Video Forensic)
8	Regional FSL, Ballari	-	Biology, Chemistry, Toxicology, Question Documents, Fire Arms, Physical, DNA, Digital Forensics (Combining 3 sections of Computer, Mobile and Audio-Video Forensic)

5.5. The Government intends to procure the required modern equipment and machines as per the action plan depending on the availability of funds and allocation of budget, a sum of Rs.6.98 crores has been sanctioned on 16.01.2021 to strengthen the DNA section of the SFSL for the year 2020-21 under

the NIRMBHAYA scheme, and another Rs.6.8 crores would be made available in the year 2021-22 once the first phase of procurement is completed.

- 5.6. The State Level Empowerment Committee had approved the proposal for procurement of equipment worth Rs.22.00 crores for the SFSL and RFSL for the year 2021-22, but, however, has stated that necessary orders will be issued after concurrence with the Ministry of Home Affairs, Government of India.
- 5.7. It is further stated that two new RFSL's would be set up at Hubli and Bellary per the announcement in the Annual budget; however, no time period is specified.
- 5.8. A proposal to reorganise the District Scientific Aid (DSA) Units by creating a new cadre of Scene of Crime Officer (SOCO) is stated to be under consideration.
- 5.9. It is stated that there would be 33 DSA units which would consist of one Senior Scientific Officer, two

Scientific officers and one lab attender. However, the said DSA Units are presently non-functional on account of they not being staffed, and therefore, once the recruitment process is completed, the DSA Units would be made functional effectively so as to assist the Investigating officer while carrying out forensic investigation, identifying, collecting and preserving relevant evidence including blood samples, DNA samples and submit the same to the respective Labs for immediate analysis.

- 5.10. The Government intends to equip all 33 DSA Units with mobile forensic laboratories. These mobile forensic labs are being procured under the scheme "Assistance to the States for Modernization of Police Forces [MoPF]" for the year 2019-20. Additionally, three mobile FSLs have also been approved, two under the NIRBHAYA fund scheme for the year 2021-21 and 1 under MoPF scheme for the year 2020-21.

5.11. The proposal to procure mobile forensic laboratories for Bangalore City Police has been submitted to the Ministry of Home Affairs, which would be considered on the basis of availability of funds and budget allocation.

5.12. The Addl. Chief Secretary has further stated that Government is aware of the critical role of FSL in the criminal justice system and the impact of the delay in analysis of the samples/articles by FSL, but however has stated that the same is on account of delay in recruitment of technical staff, procurement of equipment and opening of additional RSFL. He has further stated that the Government is also examining the requirement of opening new sections like Advanced Digital Forensics, Explosives, Wildlife forensics, etc.

6. An affidavit came to be filed on 16.03.2021 by Sri.Vinajayk Patil, s/o Vasant Rao Patil, Superintendent of Police and Director, SFSL. The said Director in the affidavit has adverted to the following:

6.1. He has reiterated the aspect of vacancies in various posts and has laid down in detail the manner in which the same are required to be filled up. He has stated that the proposal to recruit the concerned personnel has been sent to the office of Director General of Police and Inspector General of Police, who in turn has forwarded the same to the Department of Home, Government of Karnataka for further processing and that as regards certain other posts, the recruitment process has started, but, however, as regards a few of the posts no recruitment process has started.

6.2. He has stated that a proposal has been submitted for the opening of 13 sections in 5 RFSL to the office of DGP and IGP on 22.02.2021, which has been forwarded to the Home Department of the Government of Karnataka 12.03.2021.

6.3. A proposal for opening two new RFSL has been submitted to the office of DG and IGP on 22.02.2021, which has been forwarded to the Department of

Home, Government of Karnataka on 12.03.2021, so also is the situation regarding reorganising the 33 DSA Units.

- 6.4. Proposal to create a new post of SOCO has been submitted to the office of the DG and IGP on 17.02.2021, which has also been forwarded to the Home Department on 2.3.2021 and pending clearance therefrom.
- 6.5. Along with the affidavit, the Director, FSL has also submitted various documents, including a procurement plan for three years (2021-2024], an action plan relating to the Human resources and has stated that there is an intention on the part of the FSL to complete the analysis/examination of samples/objects in a time-bound manner.
- 6.6. As regards the deposition of the experts from the FSL before the trial Court, he submits that though the request has been made to permit deposition through video conferencing, the Trial Courts have often refused the requests, therefore, requiring the officer

of the FSL to physically travel to the Court and depose in those proceedings, thereby a lot of man-days are lost resulting in further delays in analysis by the FSL.

7. On 18.03.2021, the Karnataka State Legal Services Authority (KSLSA) was directed to intervene in the matter and assist the Court.

8. Shri. Venkatesh Arbati, Learned Counsel appearing on behalf of the KSLSA, has submitted a note on 17.04.2021 making submissions on various aspects relating to the matter as under:

8.1. **Evidence of FSL officers**: by referring to the decision of the Apex Court in **Thana Singh –v- Central Bureau of Narcotics** [(2013) 2 SCC 590], it is stated that the reports of the FSL would qualify as a document/report in terms of Section 293 of Cr.P.C., which can be used as evidence and signatory to such report is not required to be examined as a matter of course.

- 8.2. Based on the above, it is the submission of the KSLSA that the said observation having been made in respect of Narcotic Laboratory and forensic investigation they would equally apply to the SFSL and RFSL, and the benefit of Section 293 of Cr.P.C. ought to be extended to all experts of SFSL and RFSL deposing before various courts.
- 8.3. **As regards the vacancies in SFSL and RFSL-** it is the submission of the KSLSA that the time for recruitment could be a maximum of three months. These vacancies have arisen long ago despite which the vacancies have not been filled up; it is therefore submitted that the State Government should take immediate steps to fill up the vacancies.
- 8.4. **As regards the procurement of equipment to SFSL and RFSL** - it is stated that the said procurement has been held up on account of non-sanction of funds, and therefore, a direction has been sought to the State Government to sanction funds for such procurement.

9. Apart from the above, the KSLSA has submitted that further directions would have to be issued in respect of the following:

9.1. To fill up vacancies in the cadre of Joint Director, Deputy Director, Assistant Director and Senior Scientific Officers at the earliest, since many of these are promotional posts, exercise of powers under Rule 131 of the Karnataka Finance Code, 1958, to permit excess appointment being made in lower grade on interim basis against the vacancies unfilled in the higher grade. It is the recommendation of the KSLSA that once the lower grades are filled up, those persons will be available for promotional posts over a period of time, thereby filling up the vacancies, enabling the effective working of SFSL and RFSL. It is also recommended that the eligibility criteria be reduced as a one time measure.

9.2. The present vacancies are on the basis of the various sections operational in SFSL and RFSL. However, many of the sections are not operational.

If the said sections are made operational, there would be a requirement for more officers to be recruited. Hence, there is a requirement of assessing such requirements and thereafter recruiting being effected.

9.3. Though there have been promises made to operationalise the non-operational sections of SFSL and RFSL, no steps have been taken in relation thereto even though they had been sanctioned long ago so as to cater to various regions and assist in the investigations in those regions, not having done so has resulted in piling up of samples in the SFSL and RFSLs.

9.4. Hubli and Bellary being important areas; in several crimes registered there, there are several aspects requiring to be forensically examined, there are no laboratories in that area. Though there is a proposal, the said proposal has not been acted upon, and it is required to be acted upon immediately.

9.5. The three-year procurement plan had been submitted long ago. However, no funds have been sanctioned in relation thereto, which needs to be fast-tracked.

9.6. The proposal of appointment of SOCO and operationalising DSA Units is pending for a long time and has not been acted upon.

9.7. The proposal for establishing Mobile Forensic Lab has been pending for a long time and has not been acted upon.

9.8. Timeframe fixed by the Director for various test results is not proper, it would only delay the process, therefore a modified time plan has been suggested by the KSLSA as under:

Sl. No. (1)	Section (2)	Analysis time Frame for future sample (3)	Modified Timeline (4)
1	Biology	2 Months	1 Month
2	Chemistry	10 Months	1 Month
3	Narcotics	10 Months	1 Month
4	Computer Forensic	1 Year 6 Months	1 Month
5	Mobile Forensics	1 year 6 Months	1 Month
6	Audio-Video Forensics	1 Year 6 Months	1 Month

7	DNA	1 Year 6 Months	1 Month
8	Fire Arms	5 Months	1 Month
9	Physics	5 Months	1 Month
10	Photography	1 Month	1 Month
11	Forensic Psychology	1 Month	1 Month
12	Questioned Document	1 Year 3 Months	1 Month
13	Toxicology	2 Months	1 Month

9.9. Apart therefrom, in respect of special offences like those under POCSO Act, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Farmer Suicide cases, NDPS cases, NI Act cases, Juvenile Justice Act cases and other cases, the reports would be required to be furnished within seven days from the date of receipt of the case at FSL.

9.10. The KSLSA has sought for direction in terms of Section 293 of Cr.P.C to all the trial Courts, Public Prosecutors, officers of SFSL and RFSL to familiarise with the provisions of Section 293 of Cr.P.C. and act in accordance thereto.

9.11. The KSLSA has also recommended that the reports of the private laboratories/independent consultants

could also be accepted due to the lack of SFSL and RFSL to cater to the requirement across the State and in this regard, it is suggested that proper rules and regulations are to be formulated to enable the functioning of private laboratories and/or independent consultancies.

9.12. It is also brought to the notice that there is no research and development unit in any of the FSL and therefore, it is required that such a Wing is established.

9.13. Lack of working manuals and/or standard operating procedures is also brought about, more so relating to the collection of samples, transportation of samples, storage and processing thereof.

10. Sri. Vijaykumar A.Patil, the learned Additional Government Advocate, after obtaining further instructions as regards the note submitted by Shri Venkatesh Arbatti learned counsel on behalf of the KSLSA, filed an affidavit on 14.06.2021 of Dr Rajneesh Goel, Additional Chief Secretary, Home Department as regards the filling up of posts and

completion of the recruitment in State/Regional Forensic Science Laboratories, it is stated therein as under:

- 10.1. For the cadre of Joint Directors, for which the sanctioned strength is 3. 2 posts of which is to be filled up by promotion from the cadre of the Deputy Directors and 1 post is required to be filled by posting of an IPS officer in the rank of Senior Time Scale from the Karnataka Police Department. He has stated that there is no Deputy Director who meets the eligible criteria for promotion;
- 10.2. As regards the cadre of the Deputy Directors, he has stated that out of the total strength of 15, 5 are working and 10 posts are vacant. All the posts of the Deputy Directors being promotional posts, there are no eligible candidates available for promotion. He has further stated that as and when the Assistant Directors become eligible for promotion, they would be considered to be appointed as Deputy Directors. He has, however, not stated as to when the Assistant Directors would become eligible for such promotion;

10.3. As regards the cadre of the Assistant Directors, he has stated that sanctioned strength is 46, out of which 21 are currently working and 25 posts are vacant. Out of which, 10 are to be filled in by direct recruitment for which the Government has already accorded permission. 3 Senior Scientific Officers have already been promoted to the rank of the Assistant Director and as regards the remaining 12 promotional vacancies, there are no eligible candidates presently available for promotion.

10.4. For the cadre of Senior Scientific Officers, sanctioned strength being 88, out of which 49 are currently working and 39 posts are vacant. He has stated that all 39 posts are promotional in nature, and there is no one at present eligible for such promotion, and as such, the same would be considered as and when the Scientific Officers become eligible for promotion. He has, however, not stated as to when the Scientific Officers will become eligible for such promotion.

10.5. For the cadre of Scientific Officers, the sanctioned strength is 186, out of which, 48 are working and 138 posts are vacant. He has stated that all 138 vacancies are to be filled in by direct recruitment. The Government has accorded permission for the recruitment of 54 Scientific Officers, for which the necessary paper publication has been taken, and the process of recruitment is underway. As regards the balance of 84 posts of Scientific Officers, the same has been approved on 07.05.2021, and necessary paper publication has been issued on 28.05.2021. The process would be completed by 31.03.2022.

10.6. He has further stated that the Government will initiate the recruitment process in the cadre of Scientific Officers against the promotional vacancies in the cadre of Deputy Director, Assistant Director and Senior Scientific Officer as per Rule 131 of the Karnataka Finance Code, 1958 during 2022-23, after the current recruitment process to fill all 138 vacant posts of Scientific Officers is completed by 31.03.2022.

- 10.7. As regards Lab Assistant (photography), there being only 1 post. Recruitment will be completed by 31.08.2021.
- 10.8. For the cadre of EEG Technician, the entire sanctioned strength of 7 posts being vacant, the examination was conducted on 14.03.2021. The provisional list has been published on 03.04.2021; the recruitment would be completed by 31.08.2021.
- 10.9. As regards the cadre of Laboratory Attenders, the sanctioned strength being 118, 31 are working, and 87 posts are vacant, which have to be filled up by direct recruitment. The Government has accorded permission for the recruitment of 37 Laboratory Attenders, for which the examination was held on 14.03.2021. The provisional list was published on 03.04.2021. It is stated that recruitment of 37 Laboratory Attenders would be completed by 30.09.2021. He has further stated that 30 Laboratory Attenders have already been appointed on a contract basis, leaving a balance of 20 as regards which

recruitment process will be completed during 2022-23.

10.10. For the cadre of OT attender who is required for the purpose of conducting brain mapping and narco analysis test, he has stated that since the same is not being conducted in any of the State Labs, no step has been taken.

10.11. For the cadre of Armorer, the sanctioned strength being 2, one is working, and one post is vacant, which is to be filled up by deputation of an officer in the cadre of Armorer from the Karnataka Police Department. The said post having been created for Mangalore RFSL, the said section not being operational, no step has been taken.

10.12. He has further stated that initially, the strength of the Forensic Science Laboratory was 283, additional 309 posts consisting of 284 Technical posts and 25 ministerial posts was sanctioned on 31.07.2015. Hence, there is a delay in recruitment.

10.13. He has stated that the Government intends to procure modern equipment and machines as per the action plan depending on the availability of funds and allocation of budget. He has also adverted to certain funds to be released by the Ministry of Home Affairs, Government of India.

11. Subsequently, the matter was heard regarding the directions sought by KSLA; thereafter, a memo of submission came to be filed on behalf of the respondents by Sri. Vijaykumar A.Patil, the learned Additional Government Advocate.

11.1. By way of the said memo, the State has responded to the submissions made by KSLA as regards operationalising some of the sections in RFSL by giving the time frame as under:

Sl. No.	Sections	RFSL, Davanagere	RFSL, Mangaluru	RFSL, Kalaburgi	RFSL, Mysuru	RFSL, Belaavi
1	Chemistry	October 2021	October 2021	October 2021	October 2021	October 2021
2	Questioned Documents	November 2021	-	November 2021	-	November 2021
3	Forensic Psychology	-	September 2021	September 2021	-	September 2021
4	Photography	-	October 2021	Already Operational	July 2021	-
5	Fire Arms (only RFSL Mangaluru)	NA	-	NA	NA	NA

11.2. It is stated that a proposal to open all sections in five Regional Forensic Science Laboratories has been submitted by the Director-General and Inspector General of Police to the Department of Home on 12.03.2021, as regards which instructions are awaited.

11.3. The time frame fixed by the Director of Forensic Science Laboratory is proper and correct, and the timeline recommended by the KSLSA cannot be considered by this Court. It is, however, stated that the timeline would be modified every six months depending on changes in pending cases/articles and the availability of trained technical manpower.

11.4. It is stated that there is an ongoing recruitment process, and over a period of time with such recruitment, there would be a significant increase in the number of cases analysed in FSL, thereby reducing the time period. The ultimate goal is to

achieve a turnaround time of below one month for all sections of FSL.

12. On an analysis of the various submissions made by Sri. Venkatesh Arabatti, learned counsel appearing on behalf of the KSLSA, Sri. Vijaykumar A.Patil, learned Additional Government Advocate appearing for the State as also considering the affidavits filed by the Additional Chief Secretary, Home Department, the Director of FSL, the following emerge:

12.1. That the State Government recognises the importance of FSL in the criminal justice system and that the State Government is willing to do such acts, which are necessary to improve the FSL, both at the State as also at the regional level.

12.2. One of the main issues is as regards the recruitment of various personnel in different cadres for the purpose of filling up vacancies. All the vacancies are not filled up on account of several posts being promotional in nature and there being no eligible candidates for such promotion.

- 12.3. As regards the recruitment process, the same is under way and given the number of posts, the same may take some time.
- 12.4. Though there are five Regional FSLs, all sections are not made operational in those Regional FSLs.
- 12.5. There is a proposal to establish two new Regional FSLs at Hubbli and Bellary.
- 12.6. On behalf of the State Government, it is submitted that the Government is going to purchase all the equipment needed depending on the availability of funds.
- 12.7. That the sections which are already operational do not cater to all the requirements of forensic investigation, there are various new sections that are required which are not even in contemplation. Some of the new sections that could be considered are digital forensics, narco analysis, digital equipment analysis, forensic audit of accounts etc.

- 12.8. That there is a three year plan prepared by the FSL for the purpose of procurement of equipment as also recruitment which is being implemented.
13. A perusal of all the affidavits, which have been filed on behalf of the Secretary, Home Department, and Director, FSL, it is clear that it is only after the order passed by one of us sitting single (SGRJ) in Criminal Petition No.7019/2020 that the State has woken up and is seeking now to submit that the State Government is taking certain actions.
14. On the basis of the submissions made, it appears that the steps now being taken are literally baby steps and those steps are far too less compared to what action is required to be taken by the State Government, more particularly, keeping in mind that many of these forensic science test reports are required in criminal matters where many a time the accused is in judicial custody and trial is delayed due to non-receipt of the report from the Forensic Science Laboratories, thereby impinging on the fundamental rights of the accused guaranteed under Article 21 of the Constitution.

15. Thus, in our considered opinion there is a gross violation of Article 21 of the Constitution of India on account of state machinery not performing its duties. It is the obligation on the part of the State to provide speedy access to justice.

Article 21 of the Constitution of India read thus:

“21. Protection of life and personal liberty No person shall be deprived of his life or personal liberty except according to procedure established by law”

16. It is therefore clear that personal life or personal liberty, shall not be deprived except according to the procedure established by law.

17. It is also required to be appreciated that the procedure established by law is to be followed properly, non-following of any procedure should not lead to the life or personal liberty of a person to be adversely affected. Thus the non-following of the procedure established by law would also come within the mischief of Article 21 of the Constitution.

18. In the present situation, as observed above, the undertrials continue in judicial custody since the trials are delayed only

for the reason that the FSL has not even analysed the samples let alone forwarding the reports.

19. The State is enjoined under that Part-IV of the Constitution of India relating to Directive Principles of the State Policy to do various acts. Some of the relevant Articles are Articles 38 and 39A of the Constitution of India, which are reproduced hereunder:

“38. State to secure a social order for the promotion of welfare of the people:

(1) The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life;

(2) The State shall, in particular, strive to minimise the inequalities in income, and endeavor to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations;

39(A) that the citizens, men and women equally, have the right to an adequate means to livelihood”

20. Many of the statutes relating to certain special offences have also prescribe the time period in which the trial is to be completed. The following table is indicative of some such offences.

Sl.No	Act	Provision	Duration	Description
1	Protection Of Children From Sexual Offences Act,2012	S.35	Evidence-30 Days. Trial-1 Year.	Section 35 -Period for recording of evidence of child and disposal of case 1) The evidence of the child shall be recorded within a period of thirty days of the Special Court taking cognisance of the offence and reasons for delay, if any, shall be recorded by the Special Court. (2) The Special Court shall complete the trial, as far as possible, within a period of one year from the date of taking cognisance of the offence
2	The Protection of Plant And Farmers Rights Act,2001	S.57	1 Year.	57. Orders of Tribunal.—(1) The Tribunal may, after giving both the parties to the appeal an opportunity of being heard, pass such orders thereon as it thinks fit. (2) The Tribunal may, at any time within thirty days from the date of the order, with a view to rectifying the mistake apparent from the record, amend any order passed by it under subsection(1), and make such amendment if the mistake is brought to its notice by the appellant or the opposite party. (3) In every appeal, the Tribunal may, where it is possible, hear and decide such an appeal within a period of one year from the date of filing of the appeal. (4) The Tribunal Shall send a copy of any order passed under this section to the Registrar. (5) The orders of the Tribunal under this Act shall be executable as a decree of a civil court
3	The Protection Of Women From Domestic Violence Act,2005	S.12	60 Days	12. Application to Magistrate.— (1) An aggrieved person or a Protection Officer or any other person on behalf of the aggrieved person may present an application to the Magistrate seeking one or more reliefs under this Act: Provided that before passing any order on such an

				<p>application, the Magistrate shall take into consideration any domestic incident report received by him from the Protection Officer or the service provider.</p> <p>(2) The relief sought for under sub-section (1) may include a relief for issuance of an order for payment of compensation or damages without prejudice to the right of such person to institute suit for compensation or damages for the injuries caused by the acts of domestic violence committed by the respondent.</p> <p>Provided that where a decree for any amount as compensation or damages has been passed by any court in favour of the aggrieved person, the amount, if any, paid or payable in pursuance of the order made by the Magistrate under this Act shall be set off against the amount payable under such decree and the decree shall, notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908), or any other law for the time being in force, be executable for the balance amount, if any, left after such set off.</p> <p>(3) Every application under sub-section (1) shall be in such form and contain such particulars as may be prescribed or as nearly as possible thereto.</p> <p>(4) The Magistrate shall fix the first date of hearing, which shall not ordinarily be beyond three days from the date of receipt of the application by the Court.</p> <p>(5) The Magistrate shall Endeavour to dispose of every application made under sub-section (1) within a period of sixty days from the date of its first hearing.</p>
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4	The Scheduled Castes And The Scheduled Tribes(Prevention Of Atrocities) Act, 1989	S.14	2 Months	<p>14.SpecialCourtand Exclusive Special Court.—(1) For the purpose of providing for speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in Official Gazette, establish an Exclusive Special Court for one or more Districts:</p> <p>Provided that in Districts where less number of cases under this Act is recorded, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, specify for such Districts, the Court of Session to be a Special Court to try the offences under this Act Provided further that the Courts so established or specified shall have power to directly take cognisance of offences under this Act.</p> <p>(2) It shall be the duty of the State Government to establish an adequate number of Courts to ensure that cases under this Act are disposed of within a period of two months, as far as possible.</p> <p>(3) In every trial in the Special Court or the Exclusive Special Court, the proceedings shall be continued from day-to-day until all the witnesses in attendance has been examined, unless the Special Court or the Exclusive Special Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded in writing:</p> <p>Provided That when the trial relates to an offence under this Act, the trial shall, as far as possible, be completed within a period of two months from the date of filing of the charge sheet.</p>
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21. The offences detailed above are but a few; there are various other offences that are also to be tried in a time-bound

manner, many of such trials requiring DNA analysis, Chemical Analysis, analysis of questioned documents etc.,

22. Apart from the delay affecting the undertrials, the same also has a deep impact on the victims and/or the families of the victims, who are subjected to a trauma over an extended period of time due to the delay of the FSL.
23. In the above background, it is clear that there is a duty imposed on the State to enable speedy resolution of criminal matters, which would include the aspect of setting up of a system to enable speedy analysis of all forensic samples and submissions of reports.
24. The delay caused and pending number of samples for analysis have been extracted in the order passed by one of us (SGR.J) sitting Single dated 22.12.2020 in CrI.P.No.7019/2020 at Paragraphs 3, 4, 5 and 6, which read as under:

“3. In the report as regards the number Samples category wise pending examination by the Forensic Science Laboratory/ies it is stated that as on 30.11.2020, nearly 6,994 cases are pending on account of the delay in the analysis, The said table is extracted herein above for easy reference:

Sl. No.	Section	Pending for analysis	
		No. of cases	No. of Articles
1	Biology	676	5338
2	Chemistry	595	6868
3	Narcotics	1119	6868
4	Computer Forensics	866	3024
5	Mobile Forensics		
6	Audio-video Forensics		
7	DNA	1171	3968
8	Fire Arms	114	1003
9	Physics	365	1182
10	Photography	00	00
11	Forensics Psychology	00	00
12	Questioned Document	1017	9958
13	Toxicology	1071	4397
Total		6994	35738

4. The Break up of the number of cases which are pending adjudication – classified by nature of offences, on the account of the non-receipt of the report from the Forensic Science Laboratory/ies is also provided in the said report, which is extracted herein below:

Sl. No.	Major Head	No. of Cases
1	Murder	471
2	Arms Act	63
3	Attempt to murder	228
4	Cheating	451
5	Communal nature	96
6	Protection of Consumer Act	49
7	Criminal breach of trust	40
8	Criminal intimidation	42
9	Cyber Crime	114
10	Dowry deaths	79

11	Explosives	66
12	Forgery	115
13	State local acts	151
14	NDPS Act	774
15	POCSO Act	130
16	Rape	95
17	SC & ST POA Act	100
18	Suicide	252
19	Unnatural death (Cr.P.C Sc. 174/174c/176)	700
20	Other heads	516
Total		4532

5. The nature of samples pending examination by the Forensic Science Laboratory/ies, cross-referenced to the number of cases pending adjudication in relation thereto is as below:

Sl. No.	Section	Pending for analysis	
		No. of cases	No. of Articles
1	Biology samples	2918	13703
2	Chemical Samples	1714	6868
3	Physical samples	479	2185
4	Digital samples	866	3024
5	Documents	1017	9958
Total		6994	35738

6. It is stated that once the sample is seized or taken, it reaches the Forensic Science Laboratory within 15 days and thereafter, the different examination or analysis is done on the basis of available resources in the Forensic Science Laboratory, the Completion time for analysis different samples is extracted below:

Sl. No	Section	Average time taken
1	Biology	1 month
2	Chemistry	1 year
3	Narcotics	1 year
4	Computer Forensics	1 and a half year
5	Mobile Forensics	1 and a half year

25. It is rather shocking that a period of one year is taken for chemical analysis, one and a half years for computer forensics, mobile forensics, audio, video forensics, DNA analysis and questioned documents. The situation, according to the affidavits filed by the two officers of the state is on account of lack of manpower and lack of equipment.
26. These are the normal and regular tests which are required to be conducted in several of the proceedings.
27. Taking into account the advanced technology and use or abuse of technology for the commission of offences, it would be required that the computer forensics, mobile forensics, audio-video forensics are also enabled as early as possible. The same having an effect not only on the under trials but also on the society as a whole including the victims.
28. There are two reasons given for such delay:
- 28.1. that the FSL does not have adequate staff
 - 28.2. that the FSL does not have adequate equipment.

29. Coming to the question of staff, various statements have been made by the Director, FSL as regards proposals having been submitted by the Director FSL, to the Director General of Police who has in turn submitted the same to the State Government. Thus, it is at the State Government level, there is a bottleneck and there is a delay in the recruitment process.
30. It is but required for the State to examine the proposal submitted and as far as possible to clear the same at the earliest more so since the said proposal having been prepared by the concerned persons namely Director of FSL has already received approval from the Director General of Police on it being forwarded to the State Government.
31. The timelines given by the Additional Chief Secretary for filling up of posts, in our considered opinion, cannot be acceded to and there needs to be much more alacrity on the part of the State to recruit the persons.
32. The sections which are in operation and those proposed to be made operational do not cover the entire gamut of

forensic sciences. *Wikipedia* lists the following branches of forensic science:

- 32.1. **Art forensics** concerns the art authentication cases to help research the work's authenticity. Art authentication methods are used to detect and identify forgery, faking and copying of art works, e.g. paintings.
- 32.2. **Bloodstain pattern analysis** is the scientific examination of blood spatter patterns found at a crime scene to reconstruct the events of the crime.
- 32.3. **Comparative forensics** is the application of visual comparison techniques to verify similarity of physical evidence. This includes fingerprint analysis, tool-mark analysis, and ballistic analysis.
- 32.4. **Computational forensics** concerns the development of algorithms and software to assist forensic examination.
- 32.5. **Criminalistics** is the application of various sciences to answer questions relating to examination and comparison of biological evidence, trace evidence, impression evidence (such as fingerprints, footwear impressions, and tire tracks), controlled substances, ballistics, firearm and toolmark examination, and other evidence in criminal investigations. In typical circumstances, evidence is processed in a crime lab.
- 32.6. **Digital forensics** is the application of proven scientific methods and techniques in order to recover data from electronic / digital media. Digital Forensic specialists work in the field as well as in the lab.
- 32.7. **Ear print analysis** is used as a means of forensic identification intended as an identification tool similar to fingerprinting. An ear-print is a two-dimensional reproduction of the parts of the outer ear that have

touched a specific surface (most commonly the helix, antihelix, tragus and antitragus).

- 32.8. **Election forensics** is the use of statistics to determine if election results are normal or abnormal. And also to look into and detect the cases concerning gerrymandering.
- 32.9. **Forensic accounting** is the study and interpretation of accounting evidence, financial statement namely: Balance sheet, Income statement, Cash flow statement.
- 32.10. **Forensic aerial photography** is the study and interpretation of aerial photographic evidence.
- 32.11. **Forensic anthropology** is the application of physical anthropology in a legal setting, usually for the recovery and identification of skeletonised human remains.
- 32.12. **Forensic archaeology** is the application of a combination of archaeological techniques and forensic science, typically in law enforcement.
- 32.13. **Forensic botany** is the study of plant life in order to gain information regarding possible crimes.
- 32.14. **Forensic chemistry** is the study of detection and identification of illicit drugs, accelerants used in arson cases, explosive and gunshot residue.
- 32.15. **Forensic dactyloscopy** is the study of fingerprints.
- 32.16. **Forensic document examination** or questioned document examination answers questions about a disputed document using a variety of scientific processes and methods. Many examinations involve a comparison of the questioned document, or components of the document, with a set of known standards. The most common type of examination involves handwriting, whereby the examiner tries to address concerns about potential authorship.

- 32.17. **Forensic DNA analysis** takes advantage of the uniqueness of an individual's DNA to answer forensic questions such as paternity/maternity testing and placing a suspect at a crime scene, e.g. in a rape investigation.
- 32.18. **Forensic engineering** is the scientific examination and analysis of structures and products relating to their failure or cause of damage.
- 32.19. **Forensic entomology** deals with the examination of insects in, on and around human remains to assist in determination of time or location of death. It is also possible to determine if the body was moved after death using entomology.
- 32.20. **Forensic geology** deals with trace evidence in the form of soils, minerals and petroleum.
- 32.21. **Forensic geomorphology** is the study of the ground surface to look for potential location(s) of buried object(s).
- 32.22. **Forensic geophysics** is the application of geophysical techniques such as radar for detecting objects hidden underground or underwater.
- 32.23. Forensic intelligence process starts with the collection of data and ends with the integration of results within into the analysis of crimes under investigation.
- 32.24. Forensic Interviews are conducted using the science of professionally using expertise to conduct a variety of investigative interviews with victims, witnesses, suspects or other sources to determine the facts regarding suspicions, allegations or specific incidents in either public or private sector settings.
- 32.25. **Forensic histopathology** is the application of histological techniques and examination to forensic pathology practice.

- 32.26. **Forensic limnology** is the analysis of evidence collected from crime scenes in or around fresh-water sources. Examination of biological organisms, in particular diatoms, can be useful in connecting suspects with victims.
- 32.27. **Forensic linguistics** deals with issues in the legal system that requires linguistic expertise.
- 32.28. **Forensic meteorology** is a site-specific analysis of past weather conditions for a point of loss.
- 32.29. **Forensic microbiology** is the study of the necrobiome.
- 32.30. **Forensic nursing** is the application of Nursing sciences to abusive crimes, like child abuse, or sexual abuse. Categorisation of wounds and traumas, collection of bodily fluids and emotional support are some of the duties of forensic nurses.
- 32.31. **Forensic odontology** is the study of the uniqueness of dentition, better known as the study of teeth.
- 32.32. **Forensic optometry** is the study of glasses and other eyewear relating to crime scenes and criminal investigations.
- 32.33. **Forensic pathology** is a field in which the principles of medicine and pathology are applied to determine a cause of death or injury in the context of a legal inquiry.
- 32.34. **Forensic podiatry** is an application of the study of feet footprint or footwear and their traces to analyse scene of crime and to establish personal identity in forensic examinations.
- 32.35. **Forensic psychiatry** is a specialised branch of psychiatry as applied to and based on scientific criminology.

- 32.36. **Forensic psychology** is the study of the mind of an individual, using forensic methods. Usually it determines the circumstances behind a criminal's behavior.
- 32.37. **Forensic seismology** is the study of techniques to distinguish the seismic signals generated by underground nuclear explosions from those generated by earthquakes.
- 32.38. **Forensic serology** is the study of the body fluids.
- 32.39. **Forensic social work** is the specialist study of social work theories and their applications to a clinical, criminal justice or psychiatric setting. Practitioners of forensic social work connected with the criminal justice system are often termed Social Supervisors, whilst the remaining use the interchangeable titles forensic social worker, approved mental health professional or forensic practitioner and they conduct specialist assessments of risk, care planning and act as an officer of the Court.
- 32.40. **Forensic toxicology** is the study of the effect of drugs and poisons on/in the human body.
- 32.41. **Forensic video analysis** is the scientific examination, comparison and evaluation of video in legal matters.
- 32.42. **Mobile device forensics** is the scientific examination and evaluation of evidence found in mobile phones, e.g. Call History and Deleted SMS, and includes SIM Card Forensics.
- 32.43. **Trace evidence analysis** is the analysis and comparison of trace evidence including glass, paint, fibres and hair (e.g., using micro-spectrophotometry).
- 32.44. **Wildlife forensic science** applies a range of scientific disciplines to legal cases involving non-human biological evidence, to solve crimes such as

poaching, animal abuse, and trade in endangered species.

33. Though some of the above are covered under the sections now operational or proposed to be made operational, it is clear that not all the above branches of Forensic Science are covered, it is therefore required that the SFSL or RFSL have facilities to cater to all the above branches of Forensic Sciences.

34. In view of the above circumstances, it is after taking into consideration all the applicable circumstances, pending the final decision in the above matter, we pass following interim directions

Manpower and Recruitment

34.1. **Joint Director:** We direct that in regard to the posts of Joint Director, which are all vacant (3 in number) one post ought to be filled up by deputing an IPS officer of a super time scale from the Karnataka Police Department as a Joint Director of Administration within a period of one month of this order.

34.2. The remaining two posts of Joint Directors, which are stated to be required to be filled up by promotion, we direct that until suitable candidates are available for promotion, at least one post be filled up on an ad hoc or contract basis within a period of four months from the date of the uploading of this order on the website of the High Court;

34.3. **Deputy Director:** As regards the cadre of the Deputy Director, the sanctioned strength being 15, out of which, 5 are working and 10 posts are vacant. There being no eligible candidate for promotion, we direct that until suitable candidates are available for promotion, at least 5 of them be filled up on an ad hoc or contract basis within a period of four months from the date of the uploading of this order on the website of the High Court;

34.4. **Assistant Director:** For the cadre of the Assistant Director, sanctioned strength being 46, out of which, 21 are working and 25 posts are vacant. 10 posts of which have to be filled up by direct recruitment. We

direct that such process is completed within a period of four months from the date of the uploading of this order on the website of the High Court;

34.5. As regards balance 15 posts which are to be filled up by promotion, 3 are stated to be already filled up leaving a balance of 12. We direct that until suitable candidates are available for promotion, at least 6 of these posts be filled up on an ad hoc or contract basis within a period of four months from the date of the uploading of this order on the website of the High Court;

34.6. **Senior Scientific Officer:** For the cadre of Senior Scientific Officer, the sanctioned strength being 88, out of which, 49 are working and 39 posts are vacant. All 39 posts being promotional posts and not filled up due to no person being eligible for promotion, we direct that until suitable candidates are available for promotion, at least 20 of these posts be filled up on an ad hoc or contract basis within a period of four

months from the date of the uploading of this order on the website of the High Court;

- 34.7. **Scientific Officer:** For the cadre of the Scientific Officer, sanctioned strength being 186, out of which 48 are working 138 posts are vacant. The same are required to be filled up by direct recruitment. The Government has initially accorded permission for 54 and subsequently for the balance 84. Thus, there is a sanction for filling up entire vacant posts. It has been stated that 54 posts will be filled up by 31.07.2021, and 84 posts will be filled up by 31.03.2022. We direct that these vacancies be filled up as undertaken. This being the feeder category, considering that the persons holding these posts would be promoted to fill up the higher posts, it would but be required for additional recruitment to be made in this category, taking into consideration the promotions to be made in the higher categories. In this regard there would be a requirement to exercise powers under Rule 131 of the Karnataka Finance Code, 1958, to permit excess appointments being

made in lower grade on an interim basis against the vacancies unfilled in the higher grade on account of non-availability of eligible candidates for promotion.

34.8. **Lab Assistant:** Similarly, as regards the cadre of Lab Assistant, we direct the State Government to complete the recruitment by 31.08.2021 as undertaken.

34.9. **EEG Technician:** We direct the state government to fill up the 7 posts for EEG Technician by 31.08.2021 as undertaken;

34.10. **Laboratory Attenders:** As regards the Laboratory Attenders, it is required that when the above mentioned posts are filled up, there will be enough and sufficient Laboratory Attenders available. The statement made by the learned Additional Chief Secretary in regard to filling up of 37 Laboratory Attenders by 30.09.2021 and 30 attenders having been already employed on contract basis, totalling to 67 persons out of 87 vacancies, we direct that the balance 20 posts are also filled up within a period of

four months from the date of the uploading of this order on the website of the High Court;

34.11. **OT Attender:** Surprisingly, there is a statement made that there is no brain mapping and narco test, which is being conducted in any of the State labs. It is required that the same is made operational. In our opinion, the same is not taking place since there is no OT Attender available at any of the Forensic Science Laboratory. In view thereof, since no steps have been taken to recruit one OT Attender, we direct that such a person be recruited within a period of four months from the date of the uploading of this order on the website of the High Court;

34.12. **Armorer:** It is stated that one vacancy in the cadre of Armorer has not been filled up since the particular section in Mangalore RFSL has not been made operational. Considering the nature and number of cases, coming out of or around Mangalore relating to firearms, it is required that the said section is made operational and Armorer is recruited at the earliest

and at any rate within a period of four months from the date of the uploading of this order on the website of the High Court;

34.13. The aforesaid is only as regards the present sanctioned strength on the basis of the current sections made operational. There are several sections which have not been made operational and several new sections are required to be added. It is therefore required for the Director, Forensic Science Laboratory to submit the details of the number of persons required in different cadres to make those sections operational for each RFSL as also new sections to be added. For this purpose, we grant time till 30th September 2021 to the Director, SFSL to submit his report. This would also include the requirement of new RFSLs to be established at Bellary and Hubbli.

Operationalising the Sections at RFSL

34.14. We direct the State as also the Director of Forensic Science Laboratory to operationalise the remaining

sections at all the Regional Forensic Science Laboratories within a period of six months from the date of the uploading of this order on the website of the High Court. A status cum compliance report indicating the same to be filed within 2 weeks of the end of the above time period.

34.15. We direct the State and the Director of Forensic Science Laboratory to operationalise the additional sections, which have been proposed viz., DNA testing, Digital Forensic (combining of 3 sections of Computer, Mobile and Audio-Video Forensics) in all the Regional Forensic Science within a period of one year from the date of the uploading of this order on the website of the High Court. A status cum compliance report indicating the same to be filed within 2 weeks of the end of the above time period.

34.16. We direct that the Additional Regional Forensic Science Laboratories at Hubballi and Bellary consisting of all 13 sections be operationalised within a period of one year from the date of the uploading of

this order on the website of the High Court. A status cum compliance report indicating the same to be filed within 2 weeks of the end of the above time period.

34.17. Certain new sections like Advanced Digital Forensic, Explosives, Wildlife forensics and other sections as extracted and detailed above are required to be established and made operational in the State Forensic Science Laboratory as also all the Regional Forensic Science Laboratories. We direct that the same be done within 9 months from the date of the uploading of this order on the website of the High Court. A status cum compliance report indicating the same to be filed within 2 weeks of the end of the above time period.

Time Period from collection of sample to submission of Reports

34.18. As recommended by KSLSA we direct that all the reports going forward shall be submitted as per the following time frame

Sl. No.	Section	Timeline
1	Biology	1 Month
2	Chemistry	1 Month
3	Narcotics	1 Month
4	Computer Forensic	1 Month
5	Mobile Forensics	1 Month
6	Audio-Video Forensics	1 Month
7	DNA	1 Month
8	Fire Arms	1 Month
9	Physics	1 Month
10	Photography	1 Month
11	Forensic Psychology	1 Month
12	Questioned Document	1 Month
13	Toxicology	1 Month

34.19. There being a large number of samples pending examination, the SFSL and RFSL shall endeavour to submit reports relating thereto within a period of 3 months from today.

34.20. We direct that once the Joint Director (Administration) is appointed on deputation, he will set up an Administration and Monitoring Wing which would monitor the time taken from the time of collection of the sample to the submission of the report to the investigating officer and/or the Court.

34.21. The said Joint Director would also have to formulate an action plan to expeditiously complete the process

so as to achieve the timeline as recommended by the KSLSA. The FSLs, both SFSL and RFSL shall endeavor to submit the reports within the timeline recommended by the KSLSA. If there is any delay in the submission of the report, an explanation for such delay would be required to be submitted by the SFSL/RFSL to the Court concerned.

34.22. The said Joint Director would also have to formulate an action plan as regards the samples pending examination and place the said plan on record of this Court within a period of 15 days of his/her appointment.

34.23. The Forensic Science Laboratory to maintain a dashboard on its website for public viewing, displaying the information as regards the date, nature and number of samples received for analysis, the status of the processing of the samples, date of submission of the report, time taken to process from the date of receipt of sample to date of submission of the report. If there is any delay in the submission of

the report, reasons for delay in submission to be recorded and uploaded. This would be for samples now pending analysis, as also future samples.

34.24. All the Courts dealing with matters where samples had been sent for forensic examination ought to take into consideration the timeline as recommended by the KSLSA and ought to enforce the said timeline and not grant unnecessary adjournments insofar as the receipt of FSL results are concerned. Adjournment to be granted only on sufficient reasons having been made out. For this purpose, the Courts should also maintain the necessary calendaring system, so that the reports are received within the timeline. Courts would be required to take such action or steps as may be necessary to secure the reports at the earliest, so that the trial can proceed.

Research and Development Wing

34.25. We direct that a Research and Development Wing be established in the SFSL, which shall look into, analyse and recommend the introduction of new sections in the SFSLs, as also RFSLs, the latest equipment that is required to be procured, as also to

formulate guidelines and/or Standard Operating Procedure as regards collection, transportation, storage and processing of samples. The said Wing could also formulate and develop the format of the reports that are to be submitted, as also to identify any refresher courses, training and or the like which are required to be made available to the officers of the FSLs both at the SFSL and RFSLs and provide such training through proper and suitable resource personnel. In this regard the said Wing could also obtain study and recommendation reports from Expert Organisation.

District Scientific Aid (DSA) units and Scene of Crime Officer (SOCO)

34.26. We direct that the District Scientific Aid (DSA) units at each district with staff consisting of one Senior Scientific Officer, two Scientific Officers and one Lab Attender shall be operationalised within a period of six months from the date of the uploading of this order on the website of the High Court;

34.27. We direct that the appointment of Scene of Crime Officer (SOCO) at all the police stations in the State

of Karnataka is made within a period of six months from the date of the uploading of this order on the website of the High Court;

34.28. We direct that all DSA units be provided with fully equipped Mobile Forensic Laboratories so as to cater to maximum number of tests/examinations that they could perform within a period of six months from the date of the uploading of this order on the website of the High Court;

Recording of Evidence

34.29. The District Judiciary and the trial Courts in the State of Karnataka are directed to apply the principles laid down by the Hon'ble Apex Court in the case of ***Thana Singh vs. Central Bureau of Narcotics*** reported in ***(2013) 2 SCC 590*** permitting the officers of the Forensic Science Laboratory to furnish the reports in terms of Section 293 of Code of Criminal Procedure and where required to appear in person to permit their appearance through video conferencing.

34.30. We direct the Director of Public prosecution to sensitise and provide adequate training to Public Prosecutors, Senior Asst. Public Prosecutors, Asst. Public Prosecutors etc, in respect of the laws and procedure applicable to Forensic reports, evidence to be submitted in relation thereto including the requirement under Section 293 of Cr.P.C.

34.31. A compliance report as regards the above directions shall be submitted by 30th September 2021 after serving a copy thereof to KSLA and its Counsel.

Procurement of Equipment

35. Coming to the aspect of procurement, a Three Year Plan has been prepared detailing out the various items which would be procured from time to time.

35.1. We direct that the necessary funds be released by the State for all the necessary equipment to be procured at the earliest possible, taking into account the manpower being recruited, sections being operationalised and new laboratories being established.

35.2. We are not expressing any opinion as regards the equipment proposed to be purchased as the same being in the domain of the expert knowledge. The research and Development wing as and when established to recommend the equipment to be purchased.

36. Relist the matter 8th October 2021, to consider the progress made in complying with the above interim directions.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**

in/Prs*