

IN THE HIGH COURT OF MANIPUR

AT IMPHAL

PIL No. 14 of 2017

Shri Rajkumar Joysana Singh, aged about 63 years, S/o (L) R.K. Sanatomba Singh of Moirangkhom Sougaijam Leikai, Yaiskul P.O. & P.S. Imphal, Imphal West District, Manipur

..... Petitioner/s

- Versus -

1. The Union of India Ministry of Home Affairs through the Secretary (Home), Government of India.
2. The State of Manipur through the Chief Secretary, Government of Manipur.
3. The Additional Chief Secretary/Principal Secretary (Home), Government of Manipur.
4. The Director General of Police, Manipur.
5. The Director, Forensic Science Laboratory Pangei, Manipur.

.....Respondent/s

B E F O R E

**HON'BLE THE ACTING CHIEF JUSTICE M.V.
MURALIDARAN**

HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

For the petitioner :: Mr. M. Hemchandra, Sr. Advocate
assisted by Mr. Juno Rahman.

For the respondents :: Mr. S. Samarjeet, Sr. PCCG & Mr. M.
Devananda, Ld. Addl. A.G. assisted
by Mr. Tomclist.

Date of Order :: 19.06.2023

O R D E R (ORAL)

A. Guneshwar Sharma, J.

[1] Heard Mr. M. Hemchandra, learned senior counsel assisted by Mr. Juno Rahman, learned counsel for the petitioner, Mr. S. Samarjeet, learned Sr. PCCG for respondent No. 1 and Mr. M. Devananda, learned Addl. A.G. assisted by Mr. Tomclist, learned counsel for respondent Nos. 2 to 5.

[2] The present PIL has been filed for overall improvement of the Forensic Science Laboratory (FSL in short) at Pangei. It is pointed out that there are certain deficiencies in the FSL facilities for the State of Manipur and having a full fledged working FSL is requirement for the better administration of justice especially in criminal cases.

[3] The prayer in the petition is reproduced herein below:

- “(i) To admit the present petition (PIL) and issue Rule nisi calling upon the respondents No. 1 to 4 to show cause as to why a writ in the nature of mandamus/certiorari or any other appropriate writ should not be issued directing the respondents to discharge their bounden public duties to revamp and strengthen the Forensic Science Laboratory, Pangei with modern Scientific equipments to enhance the justice delivery system.*
- (ii) To issue rule nisi calling upon the respondents No. 1 to 4 to show cause as to why as appropriate order shall not be passed directing respondents to increase*

strength of staff of Forensic Science Laboratory, procure latest scientific equipments and provide adequate fund for this purpose.

- (iii) To issue rule nisi calling upon the respondents No. 1 to 4 to show cause as to why an appropriate order shall not be passed to establish DNA profiling unit with latest equipment and qualified experts.*
- (iv) To issue rule nisi calling upon the respondents No. 1 to 4 to show cause as to why an appropriate order shall not be passed to extend the present building with model equipment.*
- (v) To issue rule nisi calling upon the respondents No. 1 to 4 to establish 4 (four) numbers Forensic Science laboratory Mobile Vans in the State.*
- (vi) To issue rule nisi calling upon the respondents No. 1 to 4 to show cause as to why an appropriate order shall not be passed directing respondent No. 1 to provide adequate fund under the Police Modernization Plan for the year 2017-2018.*
- (vii) To issue rule nisi calling upon the respondents No. 2, 3 & 4 to show cause as to why an appropriate order shall not be passed to provide dedicated Power line to the Forensic Science Laboratory, Pangei.*
- (viii) To make the rule absolute and pass any other appropriate interim order, as well as final which the Hon'ble Court deems it fit and proper.*
- (xi) Continuing mandamus is an integral part of constitutional jurisprudence, the present petition (PIL)*

may be kept alive to ensure that the directions of the Hon'ble Court are properly and effectively complied with.

(x) *Call for the relevant records."*

[4] This Court issued notice on 07.06.2017 and since then, various directions have been issued with regard to the PIL. In order dated 04.03.2020, this Court recorded that the Ministry of Home Affairs, Government of India approved a sanction of Rs. 699.55 lakh towards upgradation of the Forensic Science Laboratory at Pangei for improvement of equipments such as Cyber Equipment, Narcotics Equipment, Ballistics Equipment, Toxicology Equipment, Biology Equipment and Documents.

[5] Mr. M. Devananda, learned Addl. A.G. appearing for the State, has referred to the additional affidavit dated 17.01.2022 filed by respondent No. 5 (Director, Forensic Science Laboratory, Pangei) placing on record further development in the Forensic Science Laboratory regarding manpower section. It is stated that out of 24 (twenty four) vacant posts, 4 (four) posts including post of Joint Director-1, Scientific Officer (Chemistry)-1 and Scientific Officer (Mobile Forensic Unit)-1 were submitted for filling up by promotion and the proposal for direct recruitment of remaining 21 (twenty one) posts excluding Scientific Assistant (Toxicology)-2 and Laboratory Assistant (Mobile Forensic Unit)-2 were submitted. Recruitment Rules are yet to be framed

for the posts of Scientific assistant (Toxicology) and Laboratory Assistant (Mobile Forensic Unit). Notification for direct recruitment of 6 (six) posts of Scientific Officer (Cyber)-1, Scientific Assistant (Chemistry)-2, Scientific Assistant (Cyber)-2 and Scientific Assistant (Photography)-1 was advertised vide MPSC Notification No. 4/2021 dated 29.11.2021.

[6] The affidavit dated 17.01.2022 reads as follows:

“2. That during the proceedings of the PIL, the Hon’ble Court vide order dated 17.11.2021 directed to file additional affidavit setting out further developments in the Forensic Science Laboratory (FSL in short). Accordingly, the present additional affidavit is filed as regards the steps taken up by the respondent No. 5 and subsequent developments in respect of the Forensic Science Laboratory, Pangei.

A. Manpower:

(1) Filing up of vacant posts:-

(i) Regular vacant posts in FSL:

(a) Total no. of post vacant in FSL is 28 which are Joint Director -1, Scientific Officer (Mobile Chemistry)-2, Scientific Assistant (Toxicology)-2, Scientific Assistant (Cyber)-2, Scientific Assistant (Photography)-1, Scientific Assistant (Mobile Forensic Unit)-4, Laboratory Assistant (Mobile Forensic Unit)-2, Laboratory Assistant (Photography)-1, Attendant (Mobile Forensic Unit)-2, Store Superintendent-1, Stenographer Gr.I-1, LDC-1, Driver-4.

(b) Out of 28 vacant posts, proposals for 4 posts including the post of Joint Director-1, Scientific

Officer (Chemistry)-1 and Scientific Officer (Mobile Forensic Unit)-1 were submitted to fill up by promotion. Proposal for direct recruitment of remaining 21 vacant posts excluding Scientific Assistant (Toxicology)-2 and Laboratory Assistant (Mobile Forensic Unit)-2 were submitted. Recruitment Rules are yet to be framed for the posts of Scientific Assistant (Toxicology) and Laboratory Assistant (Mobile Forensic Unit).

(c) Notification for direct recruitment of 6 posts including the post of Scientific Officer (Cyber)-1, Scientific Assistant (Chemistry)-2, Scientific Assistant (Cyber)-2 and Scientific Assistant (Photography)-1 was advertised vide MPSC Notification No. 4/2021 dated 29.11.2021.

(d) In view of Department of Personnel and Administrative Reforms (Personnel Division)'s letter No. PRDP/2/2021-DP-DP dated 04.09.2021 to submit proposals for the direct recruitment posts which are having Recruitment Rules in conformity with O.Ms. dated 16.07.2021 and 16.08.2021 and recent notification of MPSC dated 29.11.2021, proposals for direct recruitment of 15 such posts was submitted to PHQ through proper channel vide letter No. 31/10/88-FSL(PCr)/486 dated 29.12.2021.

(e) It is humbly submitted that for more effective running of FSL, proposal for amendment of recruitment rules of all the posts of Scientific Officers to Attendant (Mobile Forensic Unit) including those of Scientific Assistant (Toxicology)

and Laboratory Assistant (Mobile Forensic Unit) was forwarded by the Police Head Quarter to the Government vide letter No. E-31/FSL/2005-PHQ(Adm) (pt)/8679 dated 02.09.2021. The matter is pending with the Government. After amendment of these Recruitment Rules proposal for filling up the vacant posts of Scientific Assistant (Toxicology) and Laboratory Assistant (Mobile Forensic Unit) can also be submitted.

(ii) Proposal for post Creation:

(a) Proposal for creation of 7 posts of Ballistics division to enable its effective function and disposing huge number of pending cases & opening of Physics Unit within Ballistics division in order to add facilities for examination of soil, tool marks, speaker identification cases etc. has been submitted by the Police Headquarter to the Government vide letter No. E/28/13(189)/2016-PHQ(Adm)(DMFU)/4572 dated 10.05.2019. The matter is still pending with the Government.

(b) Proposal for creation of one posts of Additional Director to tackle the increasing administrative work load in FSL and one post of Scientific Officer (Biology) to enable disposal of cases in the newly opening DNA analysis facility in Biology division had been submitted by the Police Headquarter to the Government vide letter No. E-31/FSL/2005-PHQ(Adm) (Pt)/13151 dated 06.12.2021.

B. IMPROVEMENT OF EQUIPMENT:

(i) Forensic Action Plan Component in the State Action Plan under Sub-scheme of 'Assistance to

States for Special Projects/Programmes for upgrading Police Infrastructure’:

Under this scheme Central share of Rs. 629.595 lakh had already been released by the Centre. eTender for purchase of equipment excluding the cyber tools with tender value of Rs. 291.286 lakh was floated. Technical evaluation report had been submitted to the Government vide letter No. PR-18/44/2019-2020/PHQ(Pt-I)/14044 dated 23.12.2021 by the Police Headquarter for finalization of the tender.

- (ii) Proposal for purchasing non quoted items in the above tender will be submitting soon from FSL.

To purchase Cyber Forensic Tools tender with tender value of Rs. 4,01,26,800 had been floated in GeM (Government e-Market) by PHQ on 13.12.2021. The specifications submitted in 2019 was very old updated new specifications are submitting again to float the tender.

C. PROJECTS UNDER NIRBHAYA FUND SCHEME:

- (i) Strengthening of Forensic Science Laboratory, Manipur for DNA Analysis, Cyber Forensic and other related Facilities:

- (a) Repairing of building with fabrication: Rs. 1 crore has been earmarked for this purpose. The work had been completed and, handing and taking over done on 20.10.2021.

- (b) Equipment: Rs. 3.5 crore is earmarked for purchasing equipment. Tender had been finalized by the government. Proforma Invoice had been received from the successful bidder

firms. Agreement between the successful bidder firms and department had been signed. 3% of the price of the equipment are to be deposited by the bidder firms. PHQ is under process for submission of proposal for encashment permission.

PHQ vide letter No. PR-18/44/2020-2021/PHQ(Pt)/64 dated 31.12.2021 had been submitted proposal to the Government for purchasing non quoted Chemicals, glassware, plasticwares & disposables in the re-eTender by folating limited tender, for administrative approval.

(c) Proposal to purchase one 5 KVA online UPS from GeM was submitted to PHQ vide letter No. 31/10/88-FSL(Nirv-DNA)/Tenders/565 dated 20.02.2021.

(d) Manpower: Government had conveyed approval for filling up of one post cash of Scientific Assistant and Technical Assistant on contract for a period of 3 years vide letter No. 9/34(04)/2019-H(FSL/R) dated 21.12.2021. Draft advertisement notification for filing up of these posts had been submitted for approval by PHQ vide letter No. E-31/FSL/2005-PHQ(Adm)(Pt.)/53 dated 30.12.2021 to the Government.

Vehicle: The Vehicle has already been purchased. Proposal for fabrication work is submitting soon after completion of the design.

- (ii) Setting up of Cyber Forensic Training Centre/Lab.
- (a) EQUIPMENT: Government conveyed for revalidation as well as authorization of Rs. 1,62,75,000/- only vide letter No. H-301/12/2021-HD-HD dated 01.12.2021. After receiving fresh proforma invoice from the successful bidder firms, proposal for expenditure sanction of Rs. 1,30,33,493/- had been submitted to the Government for purchasing equipment of finalized tender vide letter No. PR-18/274/2021-22/PHQ/1352 dated 10.12.2021. The matter is pending with the Finance Department.
- (b) Proposal was initiated from Forensic Science Laboratory to purchase 14 non-quoted items in the eTender including minor items like Smart Phone, Cellphone, DVD, Pendrive, External hard disc. SD Card, 10 KVA UPS, LCD Projector and furniture from Gem vide letter No. 14/03.2018-FSL/Cyb Trg/176 dated 25.06.2021. Process for purchasing these items from after receiving revalidation of the fund is undergoing in PHQ.
- (c) Further proposal was initiated from FSL vide letter No. 14/03/2018-FSL/CybTrg/471 dated 18.12.2021 to request Central Government to allow fund saved from purchasing cyber forensic tools/equipment in purchasing teaching aids, furniture and meeting expenses in running the Cyber Forensic Training Centre/lab. The matter is pending in PHQ.

(d) FURNITURE: These items are under process for purchase from Gem by PHQ.

(e) MANPOWER: Selection process of the DPC held for recruitment of Coordinator cum Cyber Forensic Consultant had been completed. However, appointment has not been given yet as the equipment and infrastructures are not ready.

(f) BROADBAND INTERNET CONNECTION: Central Government is considering for releasing fund of Rs. 26,08,052/- even before submission of Utilization Certificate of Rs. 1.48 crore to be spent in purchasing cyber forensic tools/equipment.

It is further submitted that the Government has conveyed approval to contact NICS (National Informatics Centre Service Inc.) which is an enterprise under National Informatics Centre to get proforma invoice to procure equipment and set up LAN & Wifi infrastructure for broadband internet connection in FSL campus. NICS had been approached for this purpose and suggested to wait till empanelment.

(g) FABRICATION OF TRAINING ROOM: Work for fabrication of two rooms for training purpose had been entrusted with a fund of Rs. 10.34 lakh to Manipur Police Housing Corporation Ltd. Fabrication work

has been completed and will be taking over shortly.

D. INFRASTRUCTURE:

(1) Broadband internet connection:

Meanwhile Central Government has already started processing for release of the fund of Rs. 26,08,052/- for broad band connection before utilization of Rs. 1.48 crore in purchasing equipment.

(2) Repairing building with fabrication for setting up DNA analysis facility:

The work has been completed. Accordingly, handing and taking over was done on 30.10.2021. In this regard, a report has been submitted by the IGP (Intelligence/NAB), Manipur to Director General of Police, Manipur vide letter No. 5/2/2021-IGP(INT/NAB)(Pt)/384 dated 02.11.2021.

(3) Setting up District Mobile Forensic Unit, Bishnupur:

Rs. 4,17,394/- was encashed and transfer to the account of Manipur Police Housing Corporation Ltd. for construction of 2 (two) toilets inside ground floor of Security quarter at Mini Secretariat Complex, Bishnupur for use by the District Mobile Forensic Unit, Bishnupur. The matter was intimated to the Managing Director of Manipur Police Housing Corporation Ltd. vide PHQs letter No. H/5/6/PHQ/2017/3242 dated 25.03.2021. The matter is still pending with the Manipur Police Housing Corporation Ltd.

E. OTHER CHANGED:

- (1) Core group of National Human Rights/Commission recommended to make all the Forensic Science Laboratories functional directly under Home Department. Ministry of Home Affairs had written letters to the Government for implementation of the recommendation of the Commission. Accordingly, on 06.07.2021 State Cabinet had given approval to make FSL Manipur functional as Autonomous body directly under Home Department. The matter is pending with the Finance Department, Manipur.
- (2) The draft MoU to be signed between the National Forensic Science University and State Government for setting up National Forensic Science University Manipur Campus is pending with the Government.”

[7] Mr. M. Devananda, learned Addl. A.G., refers to the affidavit dated 26.07.2022 where the status of filling up of vacant posts and improvement of equipment and infrastructure of the Forensic Science Laboratory, Pangei were mentioned herein below:

“3. That, in compliance to the Direction of the Hon’ble High Court, the present additional affidavit is filled as regards to the status of filling up of vacant post and improvement of equipment and infrastructure of the Forensic Science Laboratory, Pangei.

A. Manpower:

- (1) Regular vacant posts in FSL: Total no. of post vacant in FSL is 29 which are Joint Director-1, Scientific Officer (Mobile Forensic Unit)-2, Scientific Officer (Cyber)-1, Scientific Assistant (Biology)-1, Scientific

Assistant (Chemistry)-3, Scientific Assistant (Toxicology)-2, Scientific Assistant (Cyber)-2, Scientific Assistant (Photography)-1, Scientific Assistant (Mobile Forensic Unit)-4, Laboratory Assistant (Mobile Forensic Unit)-2, Laboratory Assistant (Photography)-1, Attendant (Mobile Forensic Unit)-2, Store Superintendent-1, Stenographer Gr.I-1, LDC-1, Driver-4. Out of 29 vacant posts, proposals for filling up the post of Joint Director-1, and Scientific Officer (Mobile Forensic Unit-1) were submitted to fill up by promotion. For the post Joint Director, process for holding DPC is undergoing in Manipur Public Service Commission. Proposal for direct recruitment of remaining vacant posts excluding Scientific Assistant (Toxicology)-2 and Laboratory Assistant (Mobile Forensic Unit)-2 and Scientific Assistant (Biology) were submitted to the government. Recruitment Rules are yet to be framed for the posts of Scientific Assistant (Toxicology) and Laboratory Assistant (Mobile Forensic Unit).

B. Improvement of equipment:

(h) Forensic Action Plan Component in the State Action Plan under sub scheme of “Assistance to States for Special Projects/Programmes for upgrading Police Infrastructure”: Under this scheme central share of Rs. 629.595 lakh had already been released by the Centre.

Government has conveyed approval to the proceedings of the Higher Tender Committee meeting held on 22.04.2022

for purchase of Cyber forensic tools under this plan amounting to Rs. 4,00,59,720 vide letter No. H-301/10/2022-HD-HD dated 06.07.2022. Encashment permission has been obtained and process for procurement is undergoing.

C. Projects under Nirbhaya Fund Scheme:

(a) Strengthening of Forensic Science Laboratory, Manipur for DNA Analysis, Cyber Forensic and other related Facilities:

(i) Repairing of building with fabrication: Rs. 1 crore is earmarked for this purpose. The work had been completed.

(ii) Equipment: Rs. 3.5 crore is earmarked for purchasing equipment. Supply order for Rs. 3,06,41,398 had been placed for purchase of major equipments. All these equipments were received and installed except one which is in transit.

(iii) Manpower: Notification had been issued for recruitment of one post each of Scientific Assistant and Technical Assistant on contract for a period of 3 years.

(iv) Vehicle: One Bolero Camper has been purchased from GeM. Limited Tender for fabrication work is completed. Technical Evaluation report has been submitted to the Government.

(b) Setting up of Cyber Forensic Training Centre/Lab:

i). Equipment: All the equipments have been purchased and installed.

ii) Furniture: All furniture items have been purchased from GeM by PHQ.

iii) Manpower: Coordinator cum Cyber Forensic Consultant post have been filled up. The first training course had already been started from 18.07.2022.

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D. Construction of new building of the Directorate: The shape and area of existing campus of Directorate of Forensic Sciences is changing due to the upcoming plan for construction of National Forensic Science University Manipur Campus. Home Department had requested Manipur Police Housing Corporation Ltd. to prepare a new estimate after ascertaining the needs of the laboratory vide letter No. H-301/17/2022-HD-HD dated 14.06.2022. The matter is under process in Manipur Police Housing Corporation Ltd.

E. Other changes:

i) Forensic Science Laboratory has become functional full-fledged directorate as Directorate of Forensic Sciences under home department since 08.04.2022.

ii) 4.13 acres of land had been transferred to the Directorate of Forensic Sciences, Manipur from the Commandant 6 IRB. From this Directorate, 5 acres of land is to be transferred to National Forensic Science University.”

[8] Mr. M. Devananda, learned Addl. A.G, submits that all the reliefs prayed in the PIL have substantially been complied with by the State Government. Regarding prayer No. (vi), it is stated that funds have to be provided by the Central Government. Prayer for regarding fund for Police Modernization Plan for the year 2017-2018 is to be released by the Central Government and with respect to prayer No. (vii) for providing dedicated power line to the FSL, Pangei, Mr. M. Devananda, learned Addl. A.G., has pointed out that the petitioner has not impleaded Manipur State Power Distribution Company Ltd. (in short MSPDCL) which is the competent authority for providing dedicated power line to the FSL, Pangei and he clarifies that necessary direction may be issued to the MSPDCL for doing the needful. Mr. M. Devananda, learned Addl. A.G., further submits that since all the reliefs prayed in the PIL have substantially been complied by the State Government, the present PIL may be closed.

[9] Mr. S. Samarjeet, learned Sr. PCCG for the Central Government, has pointed out that as recorded in the order dated 04.03.2020, the Central Government has already approved a sum of Rs. 699.55 lakh towards the development of the infrastructure with regard to the equipments and the learned counsel also further submits that funds for the subsequent years may be submitted by the State Government from time to time. It is further pointed out that release of fund for the succeeding year are not prayed for in the PIL. Mr. S. Samarjeet,

learned Sr. PCCG, prays that the present PIL may be disposed of as nothing remains to be done from the Central Government.

[10] Mr. M. Hemchandra, learned senior counsel, submits that taking into consideration all the steps taken by the State and Central Government, the PIL may be closed with a direction to the respondents that anything left out should be implemented within a period of 3 (three) months. The learned senior counsel has also pointed out that as per the affidavits filed by the respondents, especially respondent No. 5 (Director, Forensic Science Laboratory, Pangei), till now, some of the examinations relating to DNA profiling and others are done outside the State and he further prays that necessary direction may be issued by this Court for making the FSL, Pangei as a full fledged and complete laboratory.

[11] We have considered the submissions made by the learned counsel for the parties at bar, the documents on record, especially the affidavits filed by respondent No. 5. We are satisfied that there have been substantially complied of all the reliefs prayed in the PIL. The infrastructure has been improved, additional posts have been created and some of the existing vacancies have been filled up, additional funds have been provided by the Central Government, Rules for the various posts have been submitted to the Manipur Public Service Commission for the approval. With respect to the prayer No. (vi) with regard to the release of funds by the Central Government for the year 2017-2018, the same has been released. For the subsequent years, the State

Government may submit appropriate proposals to the Central Government from time to time. With respect to prayer No. (vii) for providing dedicated power lines to the FSL, Pangei, it will be appropriate to direct the State Government to provide dedicated power line within a period of 3 (three) months from the date of receipt of a copy of this order if the same is not provided earlier. We direct the respondents to upgrade the facilities at the FSL, Pangei with respect to infrastructure, manpower and equipments as self sufficient, so that samples are not sent to outside the State in routine manner. The State Government shall also make endeavour so that the facilities for DNA forensic, Cyber forensic, etc. are made fully functional.

[12] With these observations and directions, the PIL is closed.
No cost .

[13] Send a copy of this order to the Chief Secretary,
Government of Manipur for information and necessary compliance.

JUDGE

ACTING CHIEF JUSTICE

FR/NFR

joshua

KH. JOSHUA
MARING

Digitally signed by
KH. JOSHUA MARING
Date: 2023.06.27
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