

14.06.2024
Sl. Nos.2 - 9
sdas

ASSIGNED MATTERS

W.P.A. 22702 of 2011
with
C. R. M. 17348 of 2010
with
C. R. M. 6429 of 2012
with
CRM 8396 of 2019
with
C. R. M. (DB) 348 of 2024
with
C. R. M. (NDPS) 698 of 2022
with
W.P.A. 12660 of 2012
with
W.P.A. 9822 of 2012

[In Re : The Court in its own motion letter dated 19.12.2011 from Joint Secretary]

Mr. Imtiaz Ahmed
Mrs. Ghazala Firdous
Mr. Mofakkerul Islam
Mrs. Smita Saha
Sk. Sahidullah
Mr. Mithun Mondal
Md. Arsalan
... .. for the petitioner
[in CRM (DB) 348/2024]

Mr. Debasish Roy .. Id.Public Prosecutor
Mr. R D Nandy .. Id. Addl. Public Prosecutor
... .. for the State
[in CRM 17348/2010, CRM 6429/2012, CRM
8396/2019, CRM (DB) 348/2024,
CRM (NDPS) 698/2022,
WPA 12660/2012 & WPA 9822/2012]

Mr. Sourav Chatterjee
Mr. Anish Kumar Mukherjee
... .. for the UOI

1. Mr. Chatterjee, learned Counsel for the Union of India submits report with regard to implementation of newer and emerging techniques in DNA analysis and other forensic sciences. Let the report be kept on record.
2. The report shows a Committee has been constituted to examine the issue. DNA and other forensic analysis are

necessary for effective and proper investigation. In fact, in all cases involving rape it is the mandate of law that DNA analysis is to be done to identify the offender. This Court has also taken into consideration that on and from 1st July, 2024 Bharatiya Nagarik Suraksha Sanhita (for short BNSS) is to come into force. Section 176(3) of BNSS provides for forensic examination of crime site in cases involving punishment for seven years and more. This would put immense pressure on the existing Central Forensic Laboratories and State Forensic Laboratories to analyse forensic samples particularly blood and other body fluids for DNA analysis collected from the place of occurrence. National Institute of Bio Medical Generics (NIBMG) is one of the premier institutions in the matter of research in human DNA. It has requisite infrastructure and qualified persons to carry out forensic DNA analysis in criminal cases. The institute is wholly owned by the Central Government and there is no legal embargo in notifying the scientists attached to the institute as 'Government Scientific Experts' under Section 293(4) of the Code of Criminal Procedure for analysis of DNA samples.

3. We direct the Union of India to take necessary steps in notifying the aforesaid institute as a CFSL Laboratory and the Government scientists attached to it as 'Government Scientific Experts' under Section 293(4) of the Code of Criminal Procedure (Section 329(4) BNSS) to undertake DNA and other forensic examinations of samples for effective implementation of the legislative intent of the new procedural law with regard to use of forensic tools in investigation.

4. Department is directed to communicate a copy of this order to the Principal Secretary, Home Affairs and Director, NIBMG for due compliance.
5. Compliance report be filed on the adjourned date.
6. Let the matter appear four weeks hence (**12.07.2024**).

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)