

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4149 of 2025

Vikash Chandra @ Guddu Baba S/o Late Ramashraya Prasad Resident of
Mohalla- Indrapuri, Road No.- 12, House No.- 39, P.O.- Keshari Nagar, P.S.-
Patliputra, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The Additional Chief Secretary, Home Department, Govt. of Bihar, Patna.
3. The Director General of Police, Old Secretariat, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vikash Chandra @ Guddu Baba (In Person)
For the Respondent/s : Mr.Adocate General

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

3 24-11-2025 The writ application has been filed for the following
relief:

“That this is an application in public interest for issuance of writ of mandamus or other appropriate writ(s) to the respondent no.1 to segregate Forensic Science Laboratories (FSL) from any touch and allow as an independent and autonomous entity to enable it to act free from any inkling of a kind of



influence or without prejudice to generality as instructed by the Ministry of Home Affairs, Government of India vide DO no. 25017/14/2018-WS-III dated 05.06.2020 upon the initiation taken on the recommendation of the Human Right Commission (Malimath Committee);

Other reliefs the petitioner is found to be granted in public interest;”

2. A counter affidavit has been filed on behalf of respondent No. 3, the relevant paragraphs of which are extracted hereinbelow:

“25. That the present Forensic Science set up in the State of Bihar has full operational autonomy. There is no interference by the police in the analysis of the exhibits and reports submitted by the Forensic Experts to the Courts. They submit their expert's reports to the Courts and these reports don't require any approval from the Police.

26. That every Forensic Science Laboratory and Regional Forensic Science Laboratory has its own Drawing and Disbursal Officer (DDO) and has financial autonomy. The Directors of these Labs can procure any equipment required for their Lab upto the upper limit of Rs. 10 Lakhs. Beyond 10 Lakhs, they can procure after administrative and financial approval of the Home Department, Bihar.

27. That the recruitment of all Gazetted Officers of the FSL/RFSs is done by the Bihar Public Service Commission (BPSC) and their personnel matters (like Promotion, Postings and Disciplinary Proceedings etc.) are also dealt by the Home Department, Bihar. Although, keeping in view the emergent conditions, they are sometimes deputed for different tasks at the level of Criminal Investigation Department (CID), Bihar.

28. That the efficacy and operational autonomy of the present system of the Forensic Services in the State of Bihar has been time tested and



has worked well over a period of time. No instance of interference by police with the operational autonomy of the FSL experts has come to light over a period of time.

C. NHRC Report "State of the Art Forensic Science: for better Criminal Justice" (1999):

29. That it is submitted that in the year 1998, the National Human Right Commission (NHRC) had constituted a Core Group of experts to study and identify the inadequacies and impediments that have obstructed the development of forensic science services to the desired level. The said Core Group made its recommendations to NHRC on 23th April, 1999 vide their report "State of the Art Forensic Science: for Better Criminal Justice".

30. That apart from the others, the Core Group inter-alia made the following recommendations with respect to the Forensic Services at the State Level:

(i) Every State Government should establish a "State Forensic Science Organization", as an independent scientific organization under the Ministry of Home Affairs of the concerned State.

(ii) Every State Government should establish a "State Forensic Science Development Board", to monitor funds and ensure progressive development of Forensic Science Services in the State in a time bound manner.

(iii) Consolidate the available resources by integrating Chemical Examiner's Laboratories, Hand Writing Bureaux, Document Examiner Laboratories, State Fingerprint Bureau and State Photographic Bureaux with the State FSLs.

(iv) Establishment of Range Forensic Science Laboratory (RFSL) at every Police Range Headquarters, and at least one District Mobile Forensic Science Unit (DMFU) at every District Headquarters by the State Government to facilitate popularization of forensic science usage, advise, support services and liaison with operational police upto Thana level.

31. That it may be noted that the above Core Group of experts to study and identify the inadequacies and impediments in the development of forensic science



services, was not constituted by the Government of India, rather it was constituted by the NHRC. Furthermore, the above NHRC report "State of the Art Forensic Science: for Better Criminal Justice" is just recommendatory in nature and therefore not binding on the States.

32. That it is further submitted that as recommended by the above NHRC Report, the Government of Bihar has sanctioned one Regional Forensic Science Laboratory (RFSL) at every Police Range Headquarter; and District Mobile Forensic Science Unit (DMFU) at every District Headquarter to facilitate popularization of forensic science usage, advise, support services and liaison with operational police upto Thana level.

33. That it is further submitted that at present apart from the Forensic Science Laboratory (FSL) at Patna, three Regional Forensic Science Laboratories (RFSL), one each at Muzaffarpur, Bhagalpur and Rajgir are operational. One more Regional Forensic Science Laboratory (RFSL) at Purnea shall be functional very soon. The remaining 08 Regional Forensic Science Laboratories (RFSL) at West Champaran (Bettiah), Gayaji, Rohtas, Saharsa, Saran, Darbhanga, Munger and Begusarai are under construction and are likely to be operational within next two years.

D. Recommendations of Malimath Committee (2003):

34. That the "Committee on Reforms of the Criminal Justice System" under the Chairmanship of Dr. Justice V.S. Malimath, (formerly, Chief Justice of Karnataka and Kerala High Courts) was constituted by the Government of India, Ministry of Home Affairs vide order dated 24.11.2000, to consider measures for revamping the Criminal Justice System.

35. That the Malimath Committee had submitted its report in the year 2003, wherein it had made numerous recommendations to strengthen Forensic Science Laboratories across the Country, some of which are mentioned hereinbelow:

I. In Para-Para-7.6.1 (iii), Inadequacy of logistical and forensic back up support has been



identified as one of the difficulties of the investigating officers.

II. In Para-7.9.8 (vii) (d), it has been recommended that there shall be an Additional SP (Crime) in the district who will be responsible for helping the police by providing logistic support in the form of forensic and other specialists and equipment.

III. In Para-7.16.1, it has been pointed out that it can hardly be gainsaid that the application of forensic science to crime investigation must commence from the stage of the very first visit by the IO to the crime scene so that all relevant physical clues, including trace evidence, which would eventually afford forensic science examination, are appropriately identified and collected. This can best be done if the IO is accompanied to the crime scene by an appropriately trained scientific hand. The standard practice in most of the advanced countries is to provide such scientific hands, variously designated as 'Field Criminalists', 'Scene of Crime Officers' (SOCO), Police Scientists etc., in the permanent strength of each police station. In some cases, these personnel are drawn from scientific cadre, while in some others, they are policemen themselves, specially selected for their flair for scientific work and their academic background of science subjects. These personnel are then provided in-depth training in crime scene management and in the identification of different types of scientific clues to be looked for in different types of crimes.

IV. In Para-7.16.2, it has been pointed out that the present level of application of forensic science in crime investigation is some-what low in the country. There is urgent need to bring about quantum improvement in the situation, more so when the conviction rate is consistently falling over the years in the country and the forensic evidence, being clinching in nature, can reverse the trend to some extent.

V. In Para-7.16.4, apart from the others, following recommendations have been made:

(1) Police Manuals and Standing Orders of different States/ Union Territories need to be amended to make the use of Forensic



Science mandatory, as far as practicable, in investigation of all grave and important crimes such as those involving violence against the persons, sexual offences, dacoity, robbery, burglary, terrorists' crimes, arson, narcotics, poisons, crimes involving fire-arms, fraud and forgery and computer crimes.

(2) Police Manuals and Standing Orders should mandate the supervisory officers to carefully monitor and scrutinize, if or not the IOs have exploited the possibility of the use of forensic science in the investigation of each crime right from the threshold of investigation.

(3) The State Governments should immediately create appropriate forensic science facilities in each District. This should include one or more Mobile Forensic Science Units, depending on the size of the district, the incidence of crime, terrain and communication conditions in each District. Each unit should have a Forensic Expert, a Finger Print Expert, Photographer and a Videographer. The job of these mobile units would be not only to identify, collect and preserve the evidence but also to tender necessary opinion, on the spot, to the IO, if scientifically feasible.

(4) Each police station should be provided with a set of Scientific Investigation Kits for identification and lifting of scientific clues from the crime scene.

(5) Arrangement should also be made to create proper facilities for packaging, storage and preservation of scientific clue material collected from the crime scene or suspects, to ensure their protection against contamination, degradation or damage at the police station or in the District Headquarters. Standard material for packaging and preserving scientific evidence should be supplied for this purpose from time to time by the State FSLs.

(6) Appropriate number of Regional FSLs at the headquarters of each Police Range should be set up by the State Govt.



(7) *The Central and State FSLs are facing acute shortage of men power. According to a study conducted by NICFS, the vacancies in the FSLs range from 17 to 71% of the sanctioned posts of scientists. The Governments concerned should take appropriate steps to fill up these vacancies. Further, the sanctioned strength itself is pegged at far below the yardsticks formulated by BPR&D. The States must, therefore, revise the sanctioned strength of their respective FSLs in the light of the BPR&D guidelines.*

(8) *There are virtually no facilities for training of Forensic Scientists in the country and they mostly learn on the job. It must be noted that a trained scientist is far more productive than several untrained or semi trained hands. We, therefore, recommend that NICFS should take upon its shoulders the responsibility of imparting professional training to the scientific personnel. We also recommend that NICFS must expand and strengthen its core facilities in emerging areas such as forensic DNA, Forensic Explosives and Computer Forensics etc.*

(9) *The Finger Print Bureaux in the country are generally undermanned and are storing and analyzing data manually. The analysis and retrieval, therefore, takes a long time and the storage capacity is also limited. We, therefore, recommend that modern electronic gazettes must be used in collection, storage, analysis and retrieval of finger print related data.*

(10) *Most of the FSLs suffer from financial crunch. The budgetary position of the FSLs should be reviewed and sufficient funds should be made available to them.*

(11) *A mandatory time limit should be prescribed for submission of reports to the police/Courts by the FSLs.*

(12) *A national body on the pattern of Indian Council of Medical Research should be constituted in the country to prescribe testing norms for the FSLs and ethical standards for the*



forensic scientists.

(13) Forensic Science, unfortunately, has not assumed the status of an academic discipline in India. We recommend that the UGC should consider creating the departments of Forensic Science in at least all the major universities. Later, Forensic Sciences could be introduced as subjects at the school level. Funds should also be ear-marked and allotted for research in these departments.

(14) A polygraph machine for lie detector test should be provided in each district. The regular use will obviate the need for extra-legal methods of interrogation.

VI. In Para-7.22.1, it has been pointed out that investigation involves several stages and the crime scene visitation is one of the most important of them, excluding perhaps, white-collar crimes. Recognizing this need, the Police Manuals in most of the States have mandated immediate despatch of an officer to the scene of crime for inspecting it, preserving the evidence and preparing the site plan etc. Such inspection of scene crimes should be done by a team consisting of forensic scientist, finger print experts, crime photographer, legal advisor etc. and not just by a single investigating officer.

VII. In Para-7.22.2, it has been pointed out that the forensic scientists lamented that their services were not being utilized for crime scene visitation as a result of which valuable forensic evidence is being lost.

VIII. In Para-7.22.3, it has been recommended that:

(i) The scene of crime must be visited by the investigating officer with utmost dispatch;

(ii) The IO must photograph/videograph the scene of crime from all possible angles or get it done by an expert;

(iii) He should preserve the scene of crime so that no evidence is lost due to disturbance by the inmates of house or curious onlookers, including VIPs;

(iv) The Investigating Officer should



either prepare the sketch or plan of the scene of crime himself or get it done by a Patwari or an expert, if deemed fit;

(v) The investigating officer should take along-with him a Forensic Scientist and Finger Print Expert or any expert of the relevant discipline to collect physical evidence from the scene of crime. If it is, somehow, not possible due to exigencies of the situation, the Investigating Officer should preserve the scene of crime and immediately requisition the services of forensic experts for the above purpose.

IX. In Para-7.32.2, it has been pointed out that no case can succeed at the trial unless it is properly investigated and vigorously prosecuted. Forensic experts evidently play a key role both at the investigation stage as also at the prosecution stage. The investigators, forensic experts and prosecutors should act in cooperation with each other.

X. In Para-7.32.3, it has been recommended that the mechanism of integration between the investigators and the forensic experts can be implemented at the following stages:

(i) initial investigation i.e., at the crime scene level;

(ii) search of the suspects, suspects' premises and collection of physical evidence there-from;

(iii) framing request for laboratory analysis;

(iv) interpreting the analytical results of the laboratory;

(v) evaluating the probative value of the result in accordance with prosecution needs;

(vi) pre-trial discussion with the prosecutors;

(vii) offering the testimony before the Court;

(viii) prosecutors' arguments on the case;

(ix) review of effectiveness of forensic evidence as indicated in the judgment.



XI. Under the Investigation head, following recommendations have been made:

(22) (i) Forensic Science and modern technology must be used in investigations right from the commencement of investigations. A cadre of Scene of Crime Officers should be created for preservation of scene of crime and collection of physical evidence there-from.

(ii) The network of CFSs and FSLs in the country needs to be strengthened for providing optimal forensic cover to the investigating officers. Mini FSLs and Mobile Forensic Units should be set up at the District/Range level. The Finger Print Bureaux and the FSLs should be equipped with well-trained manpower in adequate numbers and adequate financial resources.

(23) Forensic Medico Legal Services should be strengthened at the District and the State /Central level, with adequate training facilities at the State/Central level for the experts doing medico legal work. The State Govts. must prescribe time frame for submission of medico legal reports.

(24) A mechanism for coordination amongst investigators, forensic experts and prosecutors at the State and Dist. level for effective investigations and prosecutions should be devised.”

3. A counter affidavit has also been filed on behalf of respondent Nos. 1 and 2, relevant paragraphs of which are extracted hereinbelow:

“6. That it is humbly submitted that the Forensic Science Laboratories in Bihar currently functioning under the Crime Investigation Department, Bihar, Patna. The Ministry of Home Affairs, Government of India through its D.O. Letter No. 25017/14/2018- WS-III, dated 05.06.2020 forwarded the Malimath Committee's recommendation emphasizing the need to strengthen the State's Forensic Science Laboratories (FSL) and establish it as an



independent unit under the direct control of the Home Department. After careful deliberation at the departmental level, it was determined that keeping the Forensic Science Laboratories under the jurisdiction of the Police Headquarters/Crime Investigation Department, Bihar, Patna would be the most appropriate course of action.

7. That it is further submitted that with the implementation of three new criminal laws in July, 2024, forensic investigation has become mandatory for all cases registered under sections with punishment of more than 7 years. Consequently, the role of forensic science laboratory in police investigation is expected to expand significantly. In light of this, the State Government is actively considering measures to strengthen the forensic science laboratories at the departmental level. The proposals under consideration includes :-

(i) Upgrading FSLs with modern equipment to enhance efficiency and quality of scientific investigation.

(ii) Ensuring the availability of adequate manpower to process and analyse the forensic exhibits promptly.

(iii) Establishing a Directorate for Forensic Science Laboratory to streamline operations and administration.”

4. From the perusal of counter affidavits, it is evident that the State has already ensured operational and financial autonomy of the Forensic Laboratories and has taken steps to strengthen forensic infrastructure. Further, no material has been placed before this Court to show any interference or deficiency, which would require this Court to interfere.

5. In view of the discussions made above, we find no reason to pass any further order in the present writ application.



6. Accordingly, the writ application stands disposed of.

7. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

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