

**IOIN CRM-M-41613-2023 and  
IOIN CRM-M-2775-2024**

**VINIT YADAV VS. STATE OF HARYANA**

Present : None for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

Mr. Amit Rana, Sr. DAG, Punjab.

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In the instant case, this Court was profoundly concerned over the significant delay in receipt of Forensic Science Laboratory (FSL) report, which consequently delayed the filing of the challan. The State of Haryana sought to justify this delay by pointing to deficiencies in infrastructure and technical resources.

2. However, this issue is not unique to the case at hand; rather, it is part of a broader, systemic problem that has repeatedly surfaced during various hearings before this Court. Notably, such delays are particularly prevalent in cases under the NDPS Act, where a prolonged timeline for filing FSL reports not only impedes the investigation but also significantly delays the completion of trials.

3. The right to a speedy trial, a fundamental safeguard enshrined under Article 21 of the Constitution of India, is one of the most significant constitutional rights available to citizens. This principle forms the bedrock of our criminal justice system, underscoring the need for prompt and efficient administration of justice. Inordinate delays in the trial infringe upon rights of under-trials and also results in hardships to victims, who must overcome substantial challenges merely to have their grievances heard in Courts. The issue at

hand is, therefore, not merely procedural; it cuts to the heart of the fundamental right to speedy trial of a citizen.

4. Recognizing the gravity of these issues, this Court, vide order dated 29.02.2024, constituted Committees comprising of three IAS and three IPS Officers each for both the States of Punjab and Haryana. These Committees were entrusted with the responsibility of identifying the root administrative and technical causes underlying the delays in the preparation and despatch of FSL report. Their mandate also included recommending specific remedial measures to streamline this process and ensure the timely availability of FSL reports, which are crucial to the criminal justice system.

5. Subsequently, the Committees for Punjab and Haryana have submitted their respective reports, which this Court took on record vide order dated 15.07.2024. Upon an in-depth review of these reports, the Court has identified several critical issues hampering the prompt generation of FSL reports.

**6. Common challenges highlighted in the reports of the Committees for the States of Punjab and Haryana:**

**(A). Infrastructural and technical shortcomings:** Both States are grappling with severe infrastructural inadequacies within their Forensic Science Laboratories. In the State of Punjab, the FSL facility at Mohali is limited to two floors within a shared building, that also accommodates other departments including State Cyber Crime Offices. Regional FSLs (RFSLs) across State of Punjab face similar space constraints, and the Committee has provided comparative data on

allotted spaces in other regions to underscore these disparities. For instance, the Central Forensic Science Laboratory (CFSL) in Chandigarh occupies a vast 75000 sq. ft., while the Directorate of Forensic Science (in the State of Himachal Pradesh) spans 45000 sq. ft. In stark contrast, the FSL in the State of Punjab has been allotted merely 21000 sq. ft., drastically limiting its capacity to establish new divisions to meet evolving forensic needs. In the State of Haryana, the spatial deficiency in various divisions of FSL is so severe that the DNA division is unable to accept fresh cases involving unidentified deceased persons, a situation that requires immediate remedial action from the State concerned. However, instead of addressing these pressing issues, the State has taken a piecemeal approach, continually deferring substantive action. Additionally, outdated equipment and frequent machinery breakdowns significantly delay the preparation of FSL reports. In Punjab, for instance, cases pending in the Biology and Serology Division have gone unexamined since February, 2024, due to the unavailability of a Human Blood Detection Kit. Such infrastructural deficiencies lie at the heart of the inefficiency of the FSL, perpetuating delays in both the States of Punjab and Haryana.

**(B). Personnel shortages:** The FSL departments in both the State of Punjab and Haryana are critically understaffed, with personnel shortages significantly contributing to the delay in the preparation of reports. In the State of Punjab, for example, there is currently no full time Director. Additionally, 36 laboratory positions, including Lab Attendants and Lab Assistants, are vacant, and 31 promotional posts

remain unfulfilled. Even shortlisted candidates have been awaiting appointments since 26.09.2023. In the State of Haryana, the situation is more acute, with 73% of vacancies lying vacant. The few existing officers are frequently assigned duties at multiple locations, making it challenging for them to attend to cases in a time bound manner. This acute shortage is exacerbated by the outdated Bureau of Police Research and Development (BPRD) norms, which do not accurately reflect the current workload and demand on the staff of the FSL. Furthermore, understaff divisions of FSL receive a significant volume of exhibits from the investigating agencies, many of which hold no forensic value, compounding their workload. Reporting officers also spent substantial time testifying in Courts, which distracts from their primary responsibilities. The overwhelming vacancies in crucial permanent positions reveals an unacceptable level of complacency within the administration. Such a gross disregard for fundamental staffing requirements reflects an indifferent approach to the functioning of a critical institution of the State and highlights a failure to ensure even the minimum standard of operational efficiencies.

**(C). Financial constraints:** Alarming, financial constraints have severely restricted the ability of the FSL to procure essential chemicals and equipment necessary for forensic analysis. Important divisions, such as the DNA division, have been unable to prepare reports due to delays in acquiring testing kits, which in turn affects time-sensitive investigations, particularly those under the Protection of Children from Sexual Offences Act, 2012 (POCSO Act). While budgets

have been allocated in the State of Punjab for the purchase of equipment, the funds remain unutilized due to restrictions on the financial powers of the Director and administrative delays in approving further purchases. The repeated failure of the State to approve necessary expenditures has not only led to a waste of public resources, with funds lapsing, but also reflects a flagrant disregard to their solemn duty to uphold public welfare.

**(D). Backlog of cases:** The Committees have provided detailed statistics illustrating the backlog pending with the FSL, primarily attributable to the infrastructural, understaffing, and operational issues which have already been discussed above. Every stage of the process in the FSL is hampered by inefficiencies, from inadequate infrastructure and administrative apathy to significant staffing shortages and financial mismanagement. These structural challenges are direct products of poor stage administration and prevent the FSL from fulfilling its role within the criminal justice system. The Committees for the States have supplied the following statistics to highlight the rate of cases pending with the FSL:-

**Cases pending for collection in FSL and RTFSLs as on 31.03.2024  
in the State of Punjab**

<b>Division Name</b>	<b>More than one month</b>	<b>More than six months</b>	<b>More than one year</b>
<b>Biology</b>	75	34	11
<b>Serology</b>	64	22	14
<b>DNA</b>	83	31	21
<b>Chemistry</b>	12	08	32
<b>Documents</b>	28	23	160
<b>Physics</b>	19	15	12
<b>Audio</b>	Nil	Nil	02

<b>Ballistics</b>	174	287	38
<b>Toxicology State FSL Mohali</b>	272	29	16
<b>RTFSL Ludhiana</b>	18	Nil	Nil
<b>RTFSL Amritsar</b>	146	01	Nil
<b>RTFSL Bathinda</b>	29	Nil	Nil
<b>Total</b>	920	450	306

**Current status of Haryana FSL & RFSLs case receipts**

Divisions	No of Ros	Already pending (A)	Received During the month (B)	Disposed during the month (C)	Disposal rate during the month % (C/B)x100	Total Disposal rate of case receipts % [C/(A+B)] x 100	Pending at the end of month	Pending <6 months	Pending >6 months
<b>Ballistics</b>	4	432	72	74	103	15	430	293	137
<b>Biology</b>	4	16	80	82	103	85	14	14	0
<b>Chemistry</b>	1	93	31	37	119	30	87	79	8
<b>DNA</b>	4+1*	1744	99	114	115	6	1729	536	1193
<b>Documents</b>	4	1087	6	45	750	4	1048	119	929
<b>Lie Detection**</b>	0	0	0	0	0	0	0	0	0
<b>NDPS</b>	2	971	85	106	125	10	950	396	554
<b>Photo</b>	1	2	68	68	100	97	2	2	0
<b>Physics</b>	3	951	48	35	73	4	964	282	682
<b>Serology</b>	2	170	43	58	135	27	155	106	49
<b>Toxicology</b>	2+1*	497	86	220	256	38	363	240	123
<b>Total</b>	27	5963	618	839	136	13	5742	2067	3675
<b>RFSL, Sunaria (RTK)</b>									
<b>Biology</b>	1	0	24	24	100	100	0	0	0
<b>Documents*</b>	1	198	11	10	91	5	199	0	0
<b>NDPS</b>	1	558	34	27	79	5	565	--	--
<b>Toxicology</b>	1	2181	154	140	91	6	2195	--	--
<b>Total</b>	4	2937	223	201	90	6	2959	0	0
<b>RFSL, Bhondsi (GGN)</b>									
<b>Biology</b>	2	0	51	51	100	100	0	0	0
<b>Documents</b>	2	4414	24	30	125	7	408	90	318
<b>NDPS</b>	*1+1	198	68	95	140	36	171	--	--
<b>Serology</b>	1	193	36	25	69	11	204	--	--
<b>Toxicology</b>	2	2767	153	150	98	5	2770	1207	1564
<b>Total</b>	8	3572	332	351	106	9	3553	1297	1882
<b>RFSL, Moginand (PKL)</b>									
<b>Biology</b>	1	0	20	17	85	85	3	3	0
<b>Documents*</b>	1	187	1	8	800	4	180	180	0
<b>Serology</b>	1	0	6	5	83	83	1	1	0
<b>Toxicology</b>	1	148	21	50	238	30	119	--	0
<b>Total</b>	4	335	48	80	167	21	303	184	0

RFSL, Hisar									
<b>Biology</b>	1	2	25	25	100	93	2	2	0
<b>NDPS</b>	1	1393	60	78	130	5	1375	393	982
<b>Serology</b>	1*	4	14	14	100	78	4	4	0
<b>Toxicology</b>	1	1513	80	107	134	7	1486	--	--
<b>Total</b>	3	2912	179	224	125	7	2867	399	982
<b>Grand Total</b>	46	15719	1400	1695	121	10	15424	3947	6539

7. An additional concern raised by the Committee for the State of Punjab is the absence of Standard Operating Procedures (SOPs), policies, or guidelines for the operations and quality standards for FSL. Further, the three RTFSLs in the State of Punjab fail to follow the mandatory protocol of using barcoded stickers for preparation of its reports, indicating a severe lapse in oversight and accountability with critical forensic operations.

8. It must be underscored that the FSL report is a vital component of the investigative process, particularly in cases registered under the NDPS Act, where it often constitutes the central piece of the prosecution's evidence. Given the heavy reliance of the criminal justice system on forensic evidence, it is essential that FSL reports are prepared with strict adherence to procedural and quality standards, allowing no scope for errors or tampering. The efficient and timely functioning of the FSL is, therefore, not only crucial to ensure that due process of law is followed but is also integral to the justice delivery mechanism itself.

9. While this Court does recognize the importance of doctrine of separation of powers, a principle which forms the core of our constitutional framework, it is compelled to act when there is inaction

on the part of the Executive and there is infringement upon the constitutional rights. While taking *suo moto* cognizance under Article 226 of the Constitution of India, this Court is vested with powers to issue necessary directions to uphold constitutional mandates. In cases where on account of the failure of the State to fulfil its obligations it directly results in infringement of the right to speedy trial, as guaranteed under Article 21 of the Constitution of India, the Court is duty bound to intervene. The extensive backlog with the FSL, which has caused undue delays in trials, reveals a stark failure on the part of the States to ensure timely administration of justice.

10. In an effort to rectify this situation, this Court sought recommendations and remedial measures from the Committees constituted for the States of Punjab and Haryana. These recommendations by the Committees are intended to address systemic deficiencies within the FSL and uphold the fundamental right of a person to a speedy trial. This right, while statutory, is also an implicit constitutional guarantee under Article 21 of the Constitution of India. Any infringement upon this right calls for judicial intervention, and this Court, thus, considers it obligatory to ensure that both the States implement the following recommended measures promptly and effectively:-



**RECOMMENDATIONS FOR ENHANCED FORENSIC AND STRUCTURAL OVERHAUL OF THE FSL:**

**(i) Establishment of an independent Directorate with appointment of a full time Director and Additional Director:**

Recognizing the pervasive issues undermining the functioning of the FSL, there is a critical need for systemic restructuring. This requires the establishment of an independent directorate dedicated to the FSL, governed by its own norms to enable efficient and autonomous decision making. For effective oversight, administration, and prompt delivery of the FSL reports, appointing a full-time Director and an Additional Director is recommended.

**(ii) Implementation of Standard Operating Procedures (SOPS) and working norms:** Both the Committees have underscored the importance of instituting comprehensive working norms and SOPs specific to each division. To achieve efficient output, each division should adopt minimum targets set by the Central Government, ensuring ongoing performance monitoring, aligned with these standards.

**(iii) Optimized budget utilization:** Ensuring timely process of financial proposals, approvals, and fund disbursement is vital for maximizing budget efficiency within the fiscal year. Empowering the Director with enhanced financial powers to expedite procurement, would go a long way in minimizing delays, and supporting the timely preparation of FSL reports.

**(iv) Addressing personnel shortages:** To mitigate staff shortages, the Committees have recommended prompt facilitation in the joining and training of selected candidates. Regular follow-ups with

State Services Commissions and Staff Selection Boards are essential to expedite the process of recruitment. Meanwhile, it is advised to engage contractual personnel on a short-term basis to bridge vacancies, ensuring that the operations within the FSL continue without any hindrance.

(v) **Minimizing Court appearances by Officers:** Efforts should be made to avoid the need for the physical presence of the Officers in Court-rooms. Instead, it is recommended that Officers provide evidence through Video Conferencing, wherever feasible.

(vi) **Updating staff norms:** The Committees have noticed that current norms for staffing, based on BPR&D work guidelines, are outdated. Revised staffing norms should be established after a detailed assessment of workloads and disposals handled by the officials of the FSL.

(vii) **Enhancing infrastructure and workspace of the FSL:** The Committees have proposed expanding the workspace allocated to the FSL and its various divisions. Immediate action should be taken to allocate land and budget for the development of infrastructure. For smooth operation, the Committee for the State of Punjab has recommended securing approximately 50000 sq. ft. through the acquisition of a new building or reallocating other offices. It is recommended that a minimum of 05 acres should be allocated for the construction of a State FSL and one 01 acre each for three regional laboratories.

(viii) **Training for Investigating Officers:** Investigating Officers should be provided targeted training to better understand and identify materials with forensic value, reducing the submission of non-essential documents to the FSL so as to prevent unnecessary backlog.

(ix) **Priority procurement of equipment and streamlining of processes:** The procurement of DNA Testing Kits and other essential consumables should be expedited and assigned high priority. Furthermore, the acquisition of new and additional equipment for various FSL divisions should be planned annually and initiated well in advance, with adequate space designated for their installation and operation.

(x) **Ensuring transparency and accountability in a forensic reporting:** To maintain the integrity of the FSL reports, all results should be digitally persevered for potential verification. To validate accuracy, a protocol for random cross checking results by sending samples to other FSLs should also be instituted.

(xi) **Modernization of sample receipt, record keeping, and despatch systems:** A centralized diary and despatch system should be implemented to restrict unauthorized access within the premises of the FSL, specifically personnel depositing samples and collecting reports. Round-the-clock CCTV monitoring at critical access points, modernized record-keeping, and the use of QR codes or advance tracking technologies should be employed for efficient document management. The case management system such as TRAKEA, should be universally adopted across the FSL divisions for cohesive and

digitized case processing, with upgraded capabilities to enable system-based case allocation. Trained administrative staff should oversee data input, analyze case load trends, and for optimization of internal management.

**(xii) Classification of cases and prioritization protocols:**

Clear categorization of cases based on (for example cases related to NDPS Act, POCSO Act, etc.) judicial hierarchy, and law enforcement ranks is recommended to streamline processing. Cases requiring urgent attention should be prioritized.

**(xiii) Monitoring and addressing case pendency:** Regular inspections and certifications of samples pending for more than three months should be conducted by an internal committee within each FSL. Monthly certifications should be carried out to ensure that long-standing samples remain viable for analysis. Samples with limited preservation windows should be prioritized over others, especially in urgent cases.

11. The above restructured approach would address core operational challenges within the FSL, ensuring improved accountability, efficiency, and responsiveness in the forensic investigation process.

12. This Court in exercise of its jurisdiction under Article 226 of the Constitution of India endorses the comprehensive recommendations made by the Committees for the States of Punjab and Haryana. This Court directs both the States of Punjab and Haryana to consider implementation of these recommendations with the utmost

gravity and urgency, undertaking all necessary measures to guarantee their timely and effective implementation. Copies of the reports of the Committees of both the States of Punjab and Haryana be immediately forwarded to the Chief Secretaries of both the States to facilitate prompt and necessary compliance.

13. This Court holds a profound expectation that both the States of Punjab and Haryana will acknowledge the importance of this moment and respond with decisive and impactful measures. The preservation of fundamental rights is not merely a constitutional duty but a moral imperative that echoes our collective resolve towards justice and equality. By addressing the long-standing deficiencies that hinder the criminal justice system, the States have a unique opportunity to uphold the rights of their citizens while ensuring the efficiency of judicial processes. A timely and rigorous response will alleviate the burden on the Courts, reduce overcrowding in jails, conserve public resources, and restore public confidence in a system where justice, though at times delayed, shall not be denied.

14. Let this directive mark the dawn of an era where every individual, irrespective of their circumstances, may rest assure that the wheels of justice will turn with both swiftness and fairness.

15. IOINs stand disposed of in the above terms.

16. A photocopy of this order be placed on the file of other connected case.

**29.10.2024**

Vinay

**(MANJARI NEHRU KAUL)  
JUDGE**