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Editorial

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The year 2010 to be observed as forensic Year

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Mr. P.Chidambaram, Union Minister for Home Affairs while inaugurating the 20th All India Forensic Science Conference held at Jaipur in November 2009 announced that the year 2010 will be observed as “Forensic Year”.

As one who has been practising Forensic Science during the last fifty years, I am immensely pleased with the above declaration of the Union Minister and I can say with certainty that no other Home Minister in independent India has shown such a keen interest in improving the standards of forensic practice. But I have my own apprehension whether the honest and straight forward intention of Mr Chidambaram will percolate through the varied forensic institutional set-ups in the country especially with the prevailing state of affairs therein.

There are only four Central Forensic Science Laboratories, three under MHA and one under CBI, The rest of the thirty and odd Forensic Science Laboratories in the country are State controlled. As a result, the state laboratories have their own style of functioning. The majority of the state labs are controlled by the police while a few labs like the one in Tamil Nadu functions under the Home Department. This diverse situation was widely discussed by the working group formed by the planning commission during the 7th and 8th plan periods and recommended that all the forensic science institutions in the country should function under a ‘Forensic Science Council’ to be created on the pattern of CSIR. This recommendation somehow could not be fructified.

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Mr. Chidambaram declared that this assistance will be increased three folds amounting to Rs. 300 crores during the Forensic Year 2010. He has also declared “The police in this country should move away from adopting primitive methods. Go for new technology which is abundantly available.” He has also realized the situation that many posts are vacant in FSLs and stressed the need to fill up these posts. The Home Minister’s vision is simply grand and if his vision is to be realised the State governments also should come forward to observe the year 2010 as forensic year and take steps to fill up all vacant posts.

For example in Tamil Nadu Forensic Science Laboratory alone, out of the sanctioned 528 posts 129 posts are vacant. Out of the 240 posts of scientific experts, more than one-fourth of the posts are vacant. Some of the scientists appointed by me 20 years ago continue to stagnate in the same grade without any promotion. Tamil Nadu has the unique honour of having established the first scientific laboratory in the country in the year 1849. Tamil Nadu has also been the earliest to offer Forensic Science Education. Unfortunately the forensic science courses offered by the University of Madras have been abruptly discontinued. I appeal to the Government of Tamil Nadu to follow suit in announcing 2010 as Forensic Year in line with the declaration of the Union Home Minister and revamp forensic science practice and education in the State.

…Some State governments show scant respect in utilizing the funds and grants-in aids received from Government of India. The huge amounts of funds granted to the Forensic science Laboratories under the scheme of Modernization are the ones most misused’. Almost all the laboratories spent several crores from the funds out of this scheme purchasing equipments they know not how to

operate, equipments meant for regional laboratories that have not come up, equipments for the sake of mere possession and equipments for which there are no scientific personnel to operate…

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I am aware of an incident to prove this point of view. A State government official, without routing through the Head of the department and Government, directly applied to the Central government and received a huge sum of 'grants in aid' for a research project with a condition that the state also should contribute a proportional amount for the cause. The official received the grant and spent the money including the state's share without out the knowledge of the state government. When the higher officials brought this scam to the notice of the government the concerned State Minister took the view that after all the State is getting some money and hence left the official to go Scot free.

A state laboratory deposited about three crores of modernization funds with a private party to purchase equipments for DNA work. Six years lapsed. Not a single test was conducted in these equipments but they were used for their work. The government is now trying to get the equipments (most of them not in working condition) from the private party. These information can easily be obtained under Right of Information from the State laboratories.

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The Government of India should restructure the terms and conditions for the grant of huge amount of funds to States under the scheme of modernization. The condition that the funds sanctioned for the particular financial year should be spent before 31st March of that year is the main villain for the misuse of the scheme. The sanction reaches the States almost during the end of the financial year and the States will have very little time to spend the grants usefully. Besides the States are obliged to select the items from the outmoded list provided along with the scheme irrespective of the fact whether a particular State requires these items or not.

Restructuring the DFS attached to MHA

At present the DFS attached to MHA helps the ministry in all forensic matters. The DFS is picked up from a handful of directors of the three Central Forensic Laboratories. Instead MHA should have in it an important functionary in the status of a Scientific Adviser commensurate with several other deliberations of MHA to tighten up home land security and establishment of National Investigating

Agency. The Scientific Adviser should be from best among the reputed scientists available in the country and not necessarily from among the forensic scientists alone. Forensics is, after all, application of all branches of pure sciences.

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The selection should be made by a 'Search Committee' to be appointed for the purpose by the MHA. The Search Committee may be constituted from among the retired/working top level scientists of the country. The guidelines for the search committee may be on the pattern of those applicable to the search committees constituted for the appointment of Vice Chancellors.

Dearth of Forensic Medical Experts

The forensic Medical experts belong to the medical department but work for the police and are designated as police surgeons. That is why they are often described as the standing monument of negligence, 'despised by the police and disowned by the medicos'. The Home Ministry in consultation with the Health Ministry should find a way to improve the situation. In the regular MBBS course, the syllabus for medical jurisprudence paper has to be revised including some practical experience in post mortem examination.

Setting up Office of Scientific Integrity

Forensic scientists should inspire the police with their scientific methods not to violate the norms. They will be accused of conspiring with them if they are a party in using the pseudoscientific truth detecting methods such as narcoanalysis, lie detector and brain fingerprinting, which indeed has resulted in the deterioration of the police investigating skill in our country.

In addition to the above disturbing trend, Indian Forensics is also facing now the emergence of many mountebanks among forensic scientists, who fudge certificates of age and qualifications and enter service; who change analytical data, substitute evidence materials and adopt all corrupt practices. Example : Priyadharshini Matto Case of Delhi, Abaya case of Kerala Aarushi Talwar Case of Noida and Shopian Case of J&K.

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This is a similar situation that America faced a few decades ago. The emergence of many independent forensic laboratories, Universities and other independent organizations offering forensic science services in U.S. has totally changed the situation and judiciary also played a vital role by easing out the mountebanks and pseudo forensics from the profession and curbing scientific misconduct.

Scientific misconduct is the violation of the standard codes of scholarly conduct and ethical behaviour in professional scientific work or research. Forensic scientists are expected to observe high standards of professional behaviour in their work, their research, their preparation of reports

and results, and in their interactions with the general public and individuals outside the institution. I suggest that an 'Office of Scientific Integrity' (OSI) as it exists in developed nations shall be established to check, regulate control and punish such scientific misconduct.

Forensic Science Commission

All is not well with the status of Forensic Sciences in the country. Setting up of a Forensic Science Commission by the Government of India to judiciously look into all matters relating to Forensics may perhaps be a timely solution.

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