

FORENSIC REGULATORY & DEVELOPMENT AUTHORITY OF INDIA BILL, 2011

OBJECTIVES

To establish a Forensic Sciences Development and Regulatory Authority and to provide for regulation, standardization and accreditation of forensic science services, and certification of forensic science practitioners, and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Forensic Regulatory and Development Authority of India Act, 2011.
 2. (2) It extends to the whole of India, except the State of Jammu and Kashmir.
 3. (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In this Act, unless the context otherwise requires,
- (a) **“Advisory Council”** means the **Forensic Science Advisory Council** constituted under section 13;
- (b) **“appropriate statutory authority”** means any council or board or commission or authority, by whatever name called, constituted or established under any law for the time being in force for the purpose of regulating the profession of forensic science or medicine;

(c) **“Authority”** means the Forensic Services Development Authority of India established under section 3;

(d) **“Chairperson”** means the Chairperson of the Authority;

(e) **“Forensic Science”** includes:

(i) **main disciplines of forensic science**, that is to say, forensic biotechnology and biology, digital forensics, forensic chemistry, **forensic medicine and toxicology**, criminalistics (fire arms, finger prints, foot prints, etc.), forensic documents, and explosives and arson; and

(ii) Allied disciplines, that is to say, forensic anthropology, narcotics and drugs of abuse, wild life forensics, nuclear forensics, microbial forensics, forensic engineering and forensic data bases;

(f) **“Forensic science laboratory”** means any institution or place from where forensic services are offered or rendered;

(g) **“Forensic science service practitioner”** means any expert or scientist having a **recognised degree or diploma in concerned forensic science discipline, medicine or engineering and registered by the appropriate statutory authority**;

(h) **“Forensic service provider”** includes a person or institution who practices or offers or renders or provides any forensic science services;

(i) **“Forensic service”** means application of scientific methods and knowledge in analysis of evidentiary material for the assistance of the justice delivery system;

(j) “**License**” means the permission given by the Authority to an accredited forensic science service provider to offer or undertake forensic science services;

(k) “Member” means a Member of the Authority;

(l) Notification means a notification published in the Official Gazette and the expression “notify” with its cognate meanings and grammatical variation shall be construed accordingly;

(m) “Prescribed” means prescribed by rules made under this Act;

(n) “Regulations” means regulations made by the Authority under this Act.

CHAPTER II

THE FORENSIC REGULATORY AND DEVELOPMENT AUTHORITY OF INDIA

4. (1) The Central Government shall, by notification, constitute a body to be known as the Forensic Regulatory and Development Authority of India to exercise the powers conferred on, and to perform the functions assigned to it, by or under this Act.
5. (2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.
6. (3) The head office of the Authority shall be at New Delhi/NCR.
7. (4) The Authority may, in consultation with the Central Government, establish offices at such other places, as it may consider necessary.

8. 4. The Authority shall consist of a Chairperson and twelve other Members, of whom at least three shall be women, to be appointed by the Central Government.

9. 5. (1) A person shall be qualified to be appointed as the Chairperson or a Member, if such person

10. (a) is not less than fifty-five years of age;

(b) **is** of ability, integrity and standing, and has adequate knowledge and experience of at least twenty-five years in dealing with matters relating to main disciplines of forensic science;

(2) Out of the twelve members referred to in section 4, there shall be six permanent and six temporary members. The committee comprising of the Chairman and permanent members shall select the six temporary members,

(3) Out of the twelve members referred to in section 4, at least one from each forensic specialization shall be chosen from amongst or related discipline:

(a) Human identification (DNA technology)

(b) Digital technology

(c) Chemical technology (including explosives & arson)

(d) Criminalistics (fire arms, finger prints, foot prints, etc.), forensic documents.

(e) Forensic Medicine and Toxicology

(f) Informatics: Databases

6. (1) The Chairperson and other Members of the Authority shall be appointed by the Central Government from a panel of names recommended by a **Selection Committee** consisting of:

(a) Cabinet SecretaryChairperson;

(b) Secretary in charge of forensic science in the Ministry of Home Affairs of the Government of India.....Member;

(c) An expert from the field of Forensic DNA and Biology or Digital forensicsMember

(d) An expert from the field of Forensic Chemistry, **Forensic Medicine and Toxicology** or Criminalistics (fire arms, finger prints, foot prints, etc.), Forensic Documents, and Explosives and ArsonMember;

(e) An expert in the field of law.....Member.

(f) Chairman, University Grants Commission..... Member.

(g) President of INSA

(2) The Secretary to the Government of India dealing with forensic science shall be the Convenor of the meetings of the Selection Committee.

(3) The experts in the fields specified in clause (c) to (e) of sub-section (1) shall be nominated, in such manner as may be prescribed, by the Central Government.

(4) The term of the Selection Committee and the manner of selection of panel of names shall be such as may be prescribed.

(5) The Selection Committee may constitute a Search Committee, consisting of such number of experts **amongst persons from the field of science with experience in related forensic field having such qualification and experience as may be**

prescribed, for the purpose of selection of the Chairperson and other Members of the Authority.

(6) No appointment of the Chairperson or Member of the Authority shall be invalid merely by reason of any vacancy in the Selection Committee.

(7) Subject to the provisions of sub-sections (1) to (5), the Selection Committee may regulate its own procedure.

7. (1) The Chairperson and the other Members of the Authority shall hold office for a term of five years from the date on which he enters his office and shall not be eligible for reappointment:

Provided that the Chairperson or the Member shall not hold office as such after he has **attained the age of seventy years**.

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and other Members shall be such as may be prescribed.

8. (1) The Central Government may remove from office the Chairperson or any Member, who:

(a) has been adjudged an insolvent; or
(b) has engaged at any time, during his term of office, in any paid employment;
or

(c) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(d) has become physically or mentally incapable of acting as such Chairperson or other Member; or

(e) is of unsound mind and stands so declared by a competent court; or

(f) has acquired such financial or other interest as is likely to affect prejudicially the exercise of his functions as such Chairperson or other Member; or

(g) has so abused his position as to render his continuance in office prejudicial to the public interest; or

(h) has been guilty of proved misbehaviour; or

(i) has such other disqualifications as may be prescribed.

(2) Notwithstanding anything in sub-section (1), the Chairperson or a Member shall not be removed from his office on the grounds specified in clause (f) or clause (g) or clause (h) of sub-section (1), except by an order made by the Central Government after an inquiry made in this behalf in which such Chairperson or such Member has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(3) In the event of inquiry instituted under sub-section (2), the Central Government may suspend such Chairperson or Member against whom inquiry has been instituted for a period not exceeding six months if it considers necessary in public interest.

(4) The Central Government may, by rules, regulate the procedure for the inquiry referred to in sub-section (2).

9. Any Member having any direct or indirect interest, whether pecuniary or otherwise, in any matter coming up for consideration at a meeting of the Authority, shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of his interest at such meeting, and such disclosure shall be recorded in the proceedings of the Authority, and the Member shall not take any part in any deliberation or decision of the Authority with respect to that matter.

10. No act or proceeding of the Authority shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of the Authority; or

(b) any defect in the appointment of a person acting as a Member of the Authority; or

(c) any irregularity in the procedure of the Authority not affecting the merits of the case.

11. The Chairperson or a Member of the Authority may, by notice in writing under his hand addressed to the Central Government, resign from his office:

Provided that the Chairperson or a Member shall, unless he is permitted by the Central Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon office, or until the expiry of his term of office, whichever is the earliest.

(1) **The Director General of the Forensic Science Services** under the Union Ministry of Home Affairs shall be the **Member Secretary of the Authority**.

(2) The Central Government shall determine the nature and categories of the officers and other employees required to assist the Authority in the discharge of its functions and provide the Authority with such officers and other employees as it may think fit.

(3) The officers and other employees of the Authority shall discharge their functions under the general superintendence of the Chairperson.

(4) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees of the Authority shall be such as may be prescribed.

CHAPTER III

FORENSIC ADVISORY COUNCIL

13. The Central Government shall, by notification, constitute a Forensic Science Advisory Council for the purpose of advising the Authority, from time to time.

14. (1) The Advisory Council shall consist of a President and not less than ten members from amongst the following, namely:

- (a) The Union Home Minister or his nominee — chairman *ex officio*;
- (b) The Chairman of the National Legal Services Authority — member *ex officio*;
- (c) The Director of the Central Bureau of Investigation — member *ex officio*;

- (d) The Solicitor General of India or his nominee — member *ex officio*;
- (e) A representative of the **National Academy of Medical Sciences** — member;
- (f) The Chairperson of the **National Science Academy or nominee** — member *ex officio*;
- (g) The Chairperson of the National Commission for Women or nominee — member *ex officio*;
- (h) The Chairperson of the National Human Rights Commission or nominee — member *ex officio*;
- (i) One nominee each from **non-governmental organisations or the civil society working in the field of criminal justice, to be nominated by the Central Government** — member
- (j) **The Director General of the Directorate of Forensic Science Services** — member secretary *ex officio*.
15. (1) The term of the nominated members of the Advisory Council shall be **three years**.
- (2) No person shall be nominated as a member of the Advisory Council for **more than two terms**.
- (3) The remuneration or allowances payable to the members of the Advisory Council shall be such as may be prescribed.
16. (1) The Advisory Council shall meet at such places and times, and shall follow such rules of procedure in regard to the transaction of business at its meetings as may be provided by regulations.
- (2) The Chairperson, if for any reason, is unable to attend a meeting of the Advisory Council, the senior-most Member present at the meeting shall preside.
- (3) All questions which come up before any meeting of the Advisory Council shall be decided by a majority of the members present and voting and, in the event of an equality of votes, the Chairperson or the Member presiding shall have the right to exercise a second or casting vote.
17. **The Forensic Advisory Council** shall:
- (a) **Maintain a register of forensic science practitioners** in the country in such form and manner as may be specified by regulations; and
- (b) **Make criteria for inclusion of forensic science practitioners in the register.**
- (2) The Advisory Council may, in the discharge of its powers and functions, call for such information and details from the Directorate of Forensic Science Services or such other person as it may consider necessary.

CHAPTER IV

POWERS AND FUNCTIONS OF AUTHORITY

18. (1) The Authority shall, subject to the provisions of this Act, and rules and regulations made there under, take measures to develop and to regulate forensic science services and accreditation of forensic science laboratories and institutions.

(2) Without prejudice to the generality of the foregoing provisions, the measures referred to in sub-section (1), may, *inter alia*, provide for all or any of the following matters, namely:

- (a) lay down policies, standards and norms to regulate forensic science services;
- (b) lay down norms and policies for the purpose of accreditation of forensic science laboratories and institutions;
- (c) Undertake periodical review of norms and policies referred to in clauses (a) and (b);
- (d) undertake audit, and cause to be audited the adherence to code of ethics, including policies on obviating conflict of interest, disclosure of information, evolving transparency in processes and procedures of accreditation and rendering of forensic science service;
- (e) lay down policies for providing information to the public in regard to all aspects of quality and performance in forensic science services and accredited laboratories & institutions;
- (f) Specify and monitor standards on selection and training of experts for the purposes of forensic science services and accredited laboratories and institutions;
- (g) Levy of fees or other charges under this Act;
- (h) Recommend improvement of quality forensic science services & accredited laboratories
 - (i) Advise the Central Government or any State Government on any policy matter concerning forensic science which may be referred to it;
 - (j) Take measures for development of methodologies of accreditation in collaboration with forensic science practitioners and accredited laboratories and institutions;
 - (k) Promote research and innovation in forensic science;
 - (l) Collect, compile and disseminate information in the field of forensic science to the public, including stakeholders;
 - (m) Monitor adherence to such norms, guidelines and standards of quality, as may be specified under any law for the time being in force by the appropriate statutory authority, in forensic science;
- (n) Perform such other functions as may be prescribed.

19. (1) The **Authority shall register the accreditation agencies** in such manner as may be prescribed to accredit the forensic science laboratories and other institutions for the purpose of this Act.

(2) Every application for registration as an accreditation agency shall be made to the Authority in such form and manner and accompanied by such other documents and on payment of such fees as may be specified by regulations.

(3) Every application under sub-section (1) shall be accompanied by the following, namely:

(a) A detailed mechanism for detecting any potential conflict of interest between the applicant or its employees or experts and the forensic science laboratories and other institutions;

(b) A credible mechanism for transparency in respect of the financial status and financial dealings of the applicant;

(c) A reliable public information disclosure policy for accreditation of forensic science laboratories and other institutions;

(d) Complete processes and procedures to be followed by the applicant in the accreditation of forensic science laboratories and other institutions;

(e) Such other documents as may be specified by regulations.

20. No application for grant of a certificate of registration under section 19 shall be considered by the Authority, unless the applicant satisfies the following conditions, namely:

(a) **the applicant is a company registered under section 25 of the Companies Act, 1956 or a society formed and registered under the Societies Registration Act, 1860 or a trust formed under the Indian Trusts Act, 1882 or any other law for the time being in force;**

(b) The applicant has, in its memorandum of association or in the trust deed, specified **accreditation of forensic science laboratories and other institutions as one of its main objects;**

(c) The applicant has **adequate infrastructure,** to enable it to provide accreditation services in accordance with the provisions of this Act or such infrastructure as may be specified by regulations;

(d) The applicant and the promoters of the applicant, have **professional competence, financial soundness and general reputation of fairness and integrity** to the satisfaction of the Authority;

(e) The applicant, or its promoters, or any member of the **governing body of the applicant or its promoter, is not involved in any legal proceeding connected with any matter relating to accreditation of Forensic laboratories except in course of any accreditation proceedings carried out in pursuance of the provisions of this Act and regulations made there under;**

(f) The applicant, or its promoters, or any director, or member, or trustee has not, at any time in the past, been convicted of any criminal or economic offence;

(h) The applicant has, **in its employment, persons having adequate professional and other relevant experience** to the satisfaction of the Authority;

(i) The applicant, or any person directly or indirectly connected with the applicant, has in the past not been:

(i) Refused by the Authority a certificate of registration under this Act; or

(ii) Subjected to any proceedings for contravention of this Act or of rules or regulations made there under, or any other law for the time being in force;

(j) The applicant, in all other respects, is a fit and proper person for the grant of a certificate;

(k) The applicant conforms to such other conditions as the Authority may be specified by regulations.

21. (1) The Authority shall, on receipt of the application under section 20 for grant of certificate of registration, make necessary inquiry, in such manner as may be specified by regulations, to ascertain the eligibility of the applicant specified under section 20.

(2) The Authority shall, on being satisfied,

(a) issue a certificate of registration as an accreditation agency, on such terms and conditions as may be specified in such certificate, subject to the provisions of this Act and rules and regulations made there under; or

(b) Reject the application for reasons to be recorded in writing if such application does not conform to the provisions of this Act or rules or regulations made there under, or the provisions of any other law for the time being in force:

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard.

(3) The Authority shall, while issuing a certificate of registration, approve the documents referred to in clauses (a) to (e) of sub-section (2) of section 20 as such or with such modifications, as it may deem fit, and thereupon the accreditation agency shall follow the procedures and conditions so approved in the process of accreditation.

(4) The documents approved under sub-section (2) shall be considered as an integral part of the certificate of registration which shall not be modified or altered without the approval of the Authority.

(5) The Authority may, if it so deems fit, in the certificate of registration granted to an accreditation agency, limit the area for which such accreditation agency may exercise its duties and responsibilities of accreditation.

(6) A certificate of registration shall be valid for a period of five years unless such certificate is revoked earlier in accordance with the provisions of this Act.

22. (1) A certificate of registration granted under section 22 may, on an application made by the accreditation agency, be renewed by the Authority for such period and on payment of such fees as may be specified by regulations.

(2) No application for renewal of the certificate of registration made under sub-section (1) shall be rejected unless the applicant has been given a reasonable opportunity of being heard in the matter.

23. No accreditation agency shall, without the prior approval of the Authority effect any change in its ownership, or governing body or board of trustees, or the memorandum of association or articles of association or the trust deed.

24. The Authority, may, in the public interest or **for ensuring advancement of academic quality**, on an application of the accreditation agency or otherwise, make such alterations and amendments in the terms and conditions of the certificate of registration as it thinks fit, in accordance with such procedure as may be specified by regulations.

25. (1) If the Authority, on a complaint or otherwise, and after making such enquiry as it deems fit, is satisfied that public interest so requires, it may revoke the certificate of registration in any of the following cases, namely:—

(a) where the accreditation agency, in the opinion of the Authority, makes wilful or continuous default in any act of commission or omission as required by or under this Act, or the rules or regulations made there under;

(b) where the accreditation agency commits breach of any of the terms or conditions of the certificate of registration which is expressly declared by such certificate of registration to render it liable to revocation;

(c) where the accreditation agency fails, within the period fixed in this behalf by his certificate of registration, or any longer period which the Authority may have granted there for, to show, to the satisfaction of the Authority, that such agency is in a position fully and efficiently to discharge the duties and obligations imposed on it by its certificate of registration;

(d) where in the opinion of the Authority the financial position of the Accreditation Agency is such that such agency is unable fully and efficiently to discharge the duties and obligations imposed on it by its certificate of registration;

(e) the accreditation agency has ceased to exist.

(2) No certificate of registration shall be revoked under sub-section (1) unless the Authority has given to the accreditation agency not less than thirty days notice, in writing, stating the grounds on which it is proposed to revoke the certificate of registration, and has considered any cause shown by the accreditation agency within the period of that notice, against the proposed revocation.

(3) Where in its opinion, the public interest so requires or for ensuring the advancement of service quality, the Authority may, on conclusion of the enquiry under sub-section (1), suspend the certificate of registration granted to the accreditation agency till such time as a decision on the revocation of such certificate of registration or otherwise, is taken by the Authority.

(4) Where the Authority revokes a certificate of registration under this section, it shall serve an order of revocation upon the accreditation agency and fix a date on which the revocation shall take effect; and such revocation shall be without prejudice to the action which may be taken against it as under any other law for the time being in force.

(5) The Authority may, instead of revoking a certificate of registration under sub-section (1), permit it to remain in force subject to such further terms and conditions as it thinks fit to impose, and any further terms or conditions so imposed shall be binding upon and be observed by the accreditation agency and shall be of like force and effect as if they were contained in the certificate of registration.

(6) The Authority shall publish on its **website** any action initiated under this section, and the final decision on the revocation of the certificate of registration or otherwise together with all documents and reasons for such decision.

(7) Where the certification of any accreditation agency has been revoked under sub-section (4) on grounds referred to in sub-section (1), the Authority shall, within a period of sixty days from the date of such revocation, conduct an audit of all the scientific services accredited by such agency within a period of one year before the date of such revocation.

(8) The Authority shall, while suspending or revoking a certificate of registration, take, or cause to be taken, such measures which may be necessary to protect the interests of forensic service providers.

26. Any person, aggrieved by an order or decision of the Authority under this Chapter or section 31, may prefer an appeal, against such order to the Central Government within a period of sixty days from the date of the order, in such form and manner and accompanied with such documents as may be prescribed:

Provided that the Central Government may entertain an appeal after the expiry of the said period of sixty days, if it is satisfied that the appellant has sufficient cause for not preferring the appeal within the period of sixty days.

27. (1) Every accreditation agency shall accredit a forensic science laboratory and other institutions on an application made to it by such laboratory or institution in such form and manner, and on payment of such fees, as may be specified by regulations.

(2) The processes and procedures for accreditation of a forensic science laboratory and other institutions in such laboratory or institution shall be such as may be specified by regulations.

(3) The accreditation of the forensic science laboratories and other institutions shall be done at such intervals and after such periods as may be specified by the authority.

(4) The accreditation agency shall give a reasonable opportunity to the forensic science laboratories and other institutions to file suggestions or objections, if any, on the draft accreditation prepared by it and shall take note of such suggestions or objections, if any, while finalising the accreditation of such laboratory or institution.

(6) The accreditation agency shall publish on its website the accreditation, together with all documents and reasons for such accreditation.

28. (1) Any person aggrieved by the accreditation decided by any accreditation agency under this Chapter, may apply to the Authority for withdrawal of such accreditation or its modification.

(2) The Authority shall take a decision on an application made under sub-section (1) within ninety days.

29. (1) Any forensic science laboratory or institution accredited by any accreditation agency under this Act, may make an application to the authority in such form and manner accompanied with such fee and documents as may be specified by regulations, for grant of licence to carry out the profession of forensic science services under this Act.

(2) The Authority shall, on receipt of an application under sub-section (1), on being satisfied, grant license to such forensic science laboratory or institution—

(a) which is in compliance with the norms and standards laid down by the Authority, and accredited by the accreditation agencies registered under section 30;

(b) which has in its employment, the officers and other employees certified and registered by the Authority for the purpose of undertaking forensic science service.

30. (1) The Authority shall lay down, by regulations, the norms and standards to be complied with by the forensic science laboratories accredited by the accreditation agencies in different disciplines which, *inter alia*, include the following standards, namely:—

(a) the quality assurance standards including testing and infrastructure standards;

(b) the standards relating to maintenance of integrity and accuracy of any testing and analysis and identification thereof; and

(c) the manner of comparisons to be performed by a forensic science laboratory for use during the course of a criminal investigation or court proceeding.

31. (1) The accreditation agencies shall inspect the forensic science laboratories and institutions and make a report to the Authority in such form and manner as specified by the Authority.

(2) The Authority shall evaluate the report, record its finding and grant license to the forensic science laboratory certifying that it has complied with the standards set by the Authority at the time being and for the period specified in the licence.

(3) The licence granted to a forensic science laboratory shall be entered in a register to be maintained by the Forensic Advisory Council in such form and manner as may be specified by regulations.

32. (1) A forensic science laboratory or institute which has been granted a licence under this Act may carry out the profession of forensic science services and render or offer to render such services to the public and any report relating to forensic science

service made by such laboratory or institute be valid proof of any testing or analysis mentioned therein and be admissible in court of law.

(2) No forensic science laboratory or institute, without obtaining a licence from the Authority under this Act, shall carry out the profession of forensic science services or render or offer to render such services to the public.

(3) No report made by a forensic science laboratory or institute, without a proper license granted by the Authority under this Act, shall be deemed to be valid or admissible in any court of law without legal scrutiny by the trial court.

33. (1) Any person possessing such qualification, as may be specified by regulations, may make an application in such form and manner accompanied with such fees and documents as may be specified by regulations, to the Authority for registration to practice the profession of forensic science.

(2) The Authority shall, on receipt of an application under sub-section (1), require such person desiring to be a practitioner of forensic science, to appear for a proficiency test to be conducted by it in the discipline of forensic science applied for.

(3) The Authority may register such person who obtains the minimum prescribed proficiency grading determined by the Authority in the test referred to in sub-section (2), and grant him a certificate of registration to practice in such discipline of forensic science in the territory of India.

(4) Any person who does not obtain the minimum qualifying grading in the proficiency test may reappear in the proficiency test after expiry of a period of one year from the date of such proficiency test.

(5) The Authority may register a person certified for any specific discipline of forensic science by any other forensic science body, subject to condition that the qualifications specified by such body are of comparable standard with that of the qualifications and criteria specified by the Authority under this Act:

Provided that nothing in this sub-section shall exempt such person from appearing for the proficiency test held thereafter for grant of certificate of registration.

34. (1) The certificate of registration to practice in a discipline of forensic science granted under section 33 shall be valid for a period of three years from the date of registration.

(2) The Authority shall renew the certificate of registration to practice in a discipline of forensic science before the expiry of the period of three years on fulfilling of such criteria as may be specified by regulations.

35. The Authority shall review the qualifications and standards of proficiency test for each and every discipline of forensic science under this Act.

36. (1) No person shall, notwithstanding anything in any other law for the time being in force, **practice the profession of forensic science in any of its discipline without obtaining a certificate of registration under section 33.**

(2) Any person who practices in forensic science without obtaining the certificate of registration under this Act shall be liable for prosecution for unauthorised practice, and

any report made by such person shall not be admissible in any court of law in terms of this Act to be evidence.

37. The Advisory Council shall recommend measures for utilisation of forensic science research in developing standards and services to the consumers of forensic science services.

38. (1) The Authority shall, within a period of eighteen months from the commencement of this Act—

- (a) formulate and notify a comprehensive strategy for fostering and improving **peer-reviewed scientific research relating to the forensic science disciplines;**
- (b) **conduct a survey of scientific research needs in each forensic science discipline in the identified key areas in which further scientific research is needed;**
- (c) establish the priorities for forensic science research funding;
- (d) review, every two years, in consultation with the Advisory Council, the priorities referred to in clause (c) and recommend any updates as necessary;

(e) formulate a plan for encouraging collaboration among non-profit research institutions with State and Central forensic science laboratories, private forensic science laboratories, and private corporate establishments involved in scientific education and research, and recommend to the Central Government to develop and perform cost-effective and reliable research in forensic sciences, consistent with the research priorities established under this section.

(f) clearly define the requirements for disclosure of sources of funding by non-governmental entities for forensic science research conducted in collaboration with government bodies, and safeguards to prevent conflicts of interest or undue bias or influence;

(g) specify and implement standards and best practices for each forensic science discipline, including—

- (i) standard protocols;
 - (ii) quality assurance standards; and
 - (iii) standard terminology for use in reporting, including reports of identifications, analyses, and comparisons of forensic evidence that may be used during a criminal investigation or court proceeding;
- (h) prepare and implement a plan for—
- (i) supporting the education and training of judges, advocates and personnel of the law enforcement agencies in forensic sciences and fundamental scientific principles, including the use and evaluation of forensic science evidence; and
 - (ii) developing a standard curriculum for education and training referred to in sub-clause (i);

(i) prepare and notify a plan for supporting the development of undergraduate and post-graduate education programs and standards of such education programmes in forensic science disciplines and related fields.

(2) The plan referred to in clause (e) of sub-section (1) shall include—

(a) incentives for non-governmental entities to invest significant resources into conducting necessary research in forensic sciences;

(b) procedures for ensuring the research to be conducted with sufficient scientific rigor which can be relied upon by—

(i) the Authority in developing standards under this Act; and

(ii) the forensic science personnel;

(3) The Authority shall, in consultation with the Advisory Council, evaluate and update, from time to time, the measures referred to in sub-section (1).

(4) The Authority, in developing the uniform standards and best practices referred to in clause (g) of sub-section (1), shall—

(a) consult the Advisory Council, qualified professional organisations, educational institutions and boards, and incorporate informed opinion in evaluating data and adopting standards;

(b) develop uniform standards and best practices designed to ensure the quality and scientific integrity of data, results, conclusions, analyses, and reports that are generated for use in the justice system and other official applications.

The Authority shall **disseminate uniform standards and best practices to the forensic science practitioners and publish it on the website of the Authority.**

(6) The Authority, in consultation with the Forensic Advisory Council, shall ensure that the process for developing, reviewing, and updating the uniform standards and best practices:

(a) is open and transparent to the public; and

(b) is finalised after affording an opportunity to the public for comment on proposed standards with sufficient prior notice.

(7) The Authority shall oversee the implementation of standards and measures referred to in sub-section (1) and make recommendations to implement the appropriate measures thereof.

(8) In this section, the expression **“eligible entity”** includes:

(a) a non-profit academic or research institution;

(b) any other entity designated as such by the **National Institute of Standards and Technology;**

(c) any other entity designated by NIST and any other national or international agency in the field.

39. (1) The Authority shall create a corpus fund and formulate a scheme of **“Forensic Improvement Grant”** for providing financial assistance for the improvement of the Government Central, State and UT forensic science laboratories and allied institutions registered by the Authority under this Act to meet the standards laid down by the Authority.

(2) The Authority shall lay down the additional criteria to be complied by the forensic science laboratories and institutes to make them eligible for the grants by the Authority.

(3) The Authority shall **institute grants for providing financial assistance for setting up new Govt. forensic laboratories and institutes, and building capacity and capability commensurate with the crime and population statistics.**

40. The Authority, shall ensure:

(a) accessibility of technical information, directly or indirectly; and

(b) make grants to States and units of local government and other organisations or institutions to provide training to judges, advocates, and law personnel of law enforcement agencies on forensic sciences, and fundamental scientific principles including the competent use and evaluation of forensic science evidence.

41. The Authority shall **take necessary steps to implement programmes in collaboration with universities and other educational institutions for teaching courses in accordance with the plan** referred to in clause (i) of sub-section (1) of section 39.

42. The Authority shall regularly:

(a) coordinate with the Central and State agencies, including the National Science Academies, DRDO, DST, ICMR, and **medical science academies,** including **recognized professional bodies to make efficient and appropriate use of research expertise and funding;** and

(b) coordinate with the National Investigation Agency, the Central Bureau of Investigation, Intelligence Bureau, department of revenue intelligence and other central agencies involved in national security, to determine ways in which the forensic science disciplines may assist in internal security and emergency preparedness.

43. (1) The Authority shall, within a period of eighteen months from the commencement of this Act, initiate exercises to develop and maintain a national database of important forensic indices helpful to curtail recidivism.

(2) The Authority shall be the custodian of the national database referred to in sub-section (1) and be responsible for its management and use.

(3) The Authority shall **maintain and regulate the national database** referred to in sub-section (1) in such manner as may be specified by regulations made by the Authority and approved by the Central Government.

(4) The service providers shall contribute data to the national database and ensure that data collected is accurately recorded or stored.

(5) The Authority shall, in consultation with the Advisory Council, implement a plan to encourage interoperability among the existing databases and technologies in each of the forensic science indices among all levels of the Government in States and Union territories, and **with the private sector.**

(6) The Authority, in consultation with the authorised forensic service providers, shall evaluate and update the national database established under sub-section (1).

(7) Notwithstanding anything in **the Right to Information Act, 2005**, the information stored in the national database shall not be disclosed to any person except in accordance with an order of the court.

44. (1) The Authority shall, within a period of eighteen months from the commencement of this Act specify by regulations, a code of ethics and conduct for the forensic science practitioners and service providers.

(2) The Authority shall while specifying the **code of ethics and conduct** under sub-section (1),—

(a) **Consult the qualified professional organisations; and**

(b) Consider any recommendations in this regard made by the Advisory Council.

(3) The Authority shall, in accordance with the procedure referred to in sub-section (2), evaluate and update the code of ethics from time to time.

(3) The Authority shall, while specifying the **code of ethics and conduct** under sub-section (1) also specify—

(a) The violations thereof which shall constitute professional misconduct;

(b) the penalty for violation of such code of ethics and conduct.

CHAPTER V

COMPLAINTS AND INQUIRIES

45. (1) The Authority shall constitute a Disciplinary Committee to receive and inquire into the complaints from any person for any omission or commission or deficiency or negligence or malpractice on the part of any forensic science practitioner or forensic science laboratory or any other institution which renders or offers to render, or provides any forensic science service.

(2) The Advisory Council may nominate not more than five registered members from each discipline as members of the Disciplinary Committee for the relevant discipline to inquire into the complaints referred to in sub-section (1).

(3) Any person may make a complaint to the Disciplinary Committee in writing,—

(a) against any omission or commission or deficiency or negligence or malpractice on the part of any forensic science practitioner or forensic science laboratory or any other institution which renders or offers to render, or provides any forensic science service;

(b) with regard to rendering or provision of any forensic science service by any forensic science practitioner or forensic science laboratory or any other institution which renders or offers to render, or provides any forensic science service without registration or authorisation or license granted under this Act.

(4) The Disciplinary Committee may, either on receipt of the complaint or otherwise, inquire into any matter against any forensic science practitioner or forensic science laboratory or any other institution, if it is satisfied that there is sufficient ground to believe that such forensic science practitioner or forensic science laboratory or other institution has failed to perform the obligations under this Act.

46. (1) The Disciplinary Committee shall, while inquiring into any matter under this Act, have the same powers as are vested in a Civil Court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely—

(a) summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things;

(b) requiring the discovery and inspection of documents;

(c) receiving evidence on affidavit;

(d) requisitioning any public record or copies thereof from any court or office;

(e) issuing summons for examination of witnesses or documents; and

(f) any other matter which may be prescribed.

(2) Notwithstanding anything inconsistent in any other law for the time being in force, the Disciplinary Committee may, during the inquiry into any complaint under this Act, examine any record to which this Act applies which is under the control of the Committee, and no such record may be withheld from it on any grounds.

(4) The Disciplinary Committee shall inquire into any matter in such manner as may be specified by regulations.

(5) The Disciplinary Committee shall maintain a register of complaints containing such particulars and such record of proceedings as may be specified by regulations.

47. The parties to any proceedings under this Chapter may be represented through a legal counsel.

48. (1) The Disciplinary Committee may, on the basis of an inquiry made in accordance with the procedure laid down by or under this Act—

(a) impose a monetary penalty for violation of code of ethics and conduct which may extend up to one lakh rupees;

(b) direct to the Authority for suspension or cancellation or withdrawal of registration or accreditation or certificate, as the case may be;

(c) direct to the Authority for withdrawal or refusal of grants;

(d) in cases of severe violation of code of ethics and conduct, or unethical or unprofessional conduct, the initiation of criminal prosecution.

49. Any person, aggrieved by an order of the **Disciplinary Committee** under section 48, may, within a period of thirty days from the date of such order prefer an appeal to the **Appellate Tribunal** constituted under section 50:

Provided the Appellate Authority may admit the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

50. (1) The Central Government shall constitute an **Appellate Authority consisting of a retired Judge of a High Court, and one other member from amongst the forensic science practitioners having not less than twenty-five years of experience in the forensic science service, to hear and dispose of the appeal preferred under section 49.**

(2) The manner of selection of members of the Appellate Tribunal shall be such as may be prescribed.

(3) The Appellate Authority shall hear and dispose of the appeal in such manner and follow such procedure and have such powers as may be prescribed.

(4) The remuneration or allowances payable to, and other conditions of service of, the members of the Appellate Tribunal shall be such as may be prescribed.

CHAPTER VI

FINANCE, ACCOUNTS AND AUDIT

51. (1) There shall be constituted a Fund to be called the Forensic Regulatory and Development Authority of India Fund, and there shall be credited thereto—

(a) all grants made to the Authority by the Central Government;

(b) all fees and charges received by the Authority under this Act; and

(c) all sums received by the Authority from such other sources as may be decided upon by the Central Government.

(2) The Fund may be used for meeting the purposes mentioned below—

(a) the salaries, allowances and other remuneration of the Chairperson, Members, other officers and other employees of the Authority and allowances, if any, payable to the members of the Appellate Authority;

(b) for providing research grants under this Act;

(c) other expenses of the Authority in connection with the discharge of its functions, and for purposes of this Act.

52. (1) The Authority shall prepare a budget, maintain proper accounts and other relevant records, and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Authority shall be audited by the Comptroller and Auditor General of India at such intervals as may be specified by him, and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor General of India.

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Authority under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers, and to inspect any of the offices of the Authority.

(4) The accounts of the Authority, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Authority, and the Central Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of Parliament.

53. (1) The Authority shall prepare once every year, in such form and at such time as may be prescribed by the Central Government, an annual report giving,

- (a) a description of all the activities of the Authority for the previous year;
- (b) the annual accounts for the previous year; and
- (c) the programmes of work for the coming year.

(2) A copy of the report received under sub-section (1) shall be laid, as soon as may be after it is received, before each House of Parliament.

CHAPTER VII

MISCELLANEOUS

54. Without prejudice to the foregoing provisions of this Act, the Authority shall, in exercise of its powers or the performance of its functions under this Act, be bound by such directions on question of policy, other than those relating to technical and administrative matters, as the Central Government may give in writing to it from time to time:

(1) Provided that the Authority shall, as far as is practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government, whether a question is one of policy or not, shall be final.

55. (1) If, at any time the Central Government is of the opinion—

(a) that, on account of circumstances beyond the control of the Authority, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or

(b) that the Authority has persistently defaulted in complying with any direction given by the Central Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of this Act, and as a result of such default the financial position of the Authority or the administration of the Authority has suffered; or

(c) that circumstances exist which render it necessary in the public interest so to do,
the Central Government may, by notification, supersede the Authority for such period, not exceeding six months, as may be specified in the notification and appoint a person or persons as the President may direct to exercise powers and discharge functions under this Act:

Provided that before issuing any such notification, the Central Government shall give a reasonable opportunity to the Authority to make representations against the proposed supersession and shall consider the representations, if any, of the Authority.

(2) Upon the publication of a notification under sub-section (1) superseding the Authority:

(a) The Chairperson and other members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Authority shall, until the Authority is reconstituted under sub-section (3), be exercised and discharged by the person or persons referred to in sub-section (1);
and

(c) All properties owned or controlled by the Authority shall, until the Authority is reconstituted under sub-section (3), vest in the Central Government.

(3) On or before the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government shall reconstitute the Authority by a fresh appointment of its Chairperson and other members, and in such case any person who had vacated his office under clause (a) of sub-section (2) shall not be deemed to be disqualified for reappointment.

(4) The Central Government shall cause a copy of the notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament at the earliest.

56. No civil court shall have jurisdiction in respect of any matter which the Appellate Tribunal is empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

57. The Chairperson, Members, other officers and other employees of the Authority shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

58. No suit, prosecution or other legal proceedings shall lie against the Central Government, the Authority, the Advisory Committee, the Disciplinary Committee and the Appellate Authority constituted under this Act or any officer of the Central Government, or any Member, and other officers or other employees of such Authority, Advisory Committee, Disciplinary Committee and Appellate Tribunal or any other officer acting under this Act for anything which is in good faith done or intended to be done under this Act or the rules made there under.

59. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) Testing standards and related issues,

(b) Committees,

(c) Databases

(d) any other matter which is required to be, or may be, specified by rules or in respect of which provision is to be made by rules.

60. (1) The Authority may, by notification, make regulations consistent with this Act and the rules made there under to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:

(a) Any other matter which is required to be, or may be, specified by regulations or in respect of which provision is to be made by regulations.

61. Every rule and every regulation made under this Act, shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such

modified form or be of no effect, as the case may be; however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

62. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.