

No.25020/49/2018-WS-III
Government of India
Ministry of Home Affairs
Women Safety Division

137

Jaisalmer House, 26 Mansingh Road,
New Delhi, the 09 January, 2019

To,

1. The Chief Secretary, Govt. of Maharashtra, Uttar Pradesh, Tamil Nadu & West Bengal
2. The Addl. Chief Secretary/Principal Secretary/Home Secretary, Govt. of Maharashtra, Uttar Pradesh, Tamil Nadu & West Bengal

Subject : Guideline for strengthening of DNA Testing, Cyber-forensic and mobile laboratory facilities for DNA sample collection, preservation and examination in State Forensic Science Laboratories under Nirbhaya Fund Scheme.

Sir,

I am directed to enclose herewith Guideline for strengthening of DNA Testing, Cyber-forensic and mobile laboratory facilities for DNA sample collection, preservation and examination in State Forensic Science Laboratories under Nirbhaya Fund Scheme at Annexure.

2. The State Governments are requested to kindly adhere to the enclosed guidelines and ensure successful implementation.

Yours faithfully,

(R K Soni)

Under Secretary to the Govt. of India

Telefax : 23383868

Encl : As above.

Copy to :

1. Special Secretary & Financial Adviser/Home, North Block, N Delhi
2. JS(WS), MHA, North Block, N Delhi

Ad

Done
9/1/19

By

Guidelines for strengthening of DNA testing, cyber-forensics and mobile laboratory facilities for DNA sample collection, preservation and examination in State Forensic Science Laboratories under Nirbhaya Fund scheme

The use of forensics science in criminal investigation has grown in recent years. This is especially relevant in cases of sexual assaults. Forensic sciences, including DNA testing, cyber-forensics and mobile laboratory facilities for DNA sample collection, preservation and examination, has helped law enforcement agencies to identify criminals and solve difficult crimes such as rape, murder, murder with rape, paternity cases and in cases of Protection of Children from Sexual Offences (POCSO) etc in a timely manner. With the insertion of Rule 164A in Code of Criminal Procedure, 1973, it became mandatory to conduct medical examination of rape victims, which includes collection of material for DNA profiling. This requires that every State should have suitable forensic capacities to be able to provide this service during investigations. Further, where facilities exist, strengthening of this aspect in State Forensic Science Laboratories would facilitate greater efficiency in investigation, particularly in case of sexual assault cases. However, in many states this facility is deficient.

2. Accordingly, strengthening of State forensic laboratories for forensic testing facilities, including DNA testing, cyber-forensics and mobile laboratory facilities for DNA sample collection, preservation and examination has been recognised by the Government as one of the several measures to ensure speedy and efficient investigations in cases of sexual assaults. The Government studied the gaps existing in various states as well the cases pending in the States and has decided to support strengthening State forensic science laboratories as individual state-specific projects under Nirbhaya Funds scheme. Every State which is interested to seek assistance under Nirbhaya Funds scheme for strengthening its forensic facilities for investigations in sexual assault, including DNA testing, cyber-forensics and mobile laboratory facilities for DNA sample collection, preservation and examination may apply under these Guidelines.

Applicability of Guidelines

3. The Guidelines are applicable to all States/UTs which are interested to seek financial assistance under Nirbhaya Funds Scheme for stand-alone projects for strengthening its DNA testing, cyber-forensics and mobile laboratory facilities for DNA

sample collection, preservation and examination in its State Forensic Science Laboratories.

Fund sharing pattern

4. Funding for project shall be 100% by Central Government and shall be released as Grant-in-aid to States/UTs.

Application for projects

5.1 Every State/UT which is interested to avail assistance for projects for strengthening DNA testing and cyber-forensics facilities in its State Forensic Science Laboratories, shall be required to undertake a gap-analysis of its existing Forensic Science Laboratories in format notified by MHA. In the case of mobile laboratory facilities for DNA sample collection, preservation and examination, State/UTs shall conduct an assessment taking into account its field requirements also.

5.2 On the basis of gap-analysis, each State shall then furnish a project proposal giving details on :

- (a) Crime scenario in the State
- (b) Total number of cases for DNA analysis pending in the State in last three years for
 - (i) DNA division
 - (ii) Biology division
 - (iii) Cyber-forensics division
- (c) Gap-analysis results
- (d) Capacity building required for
 - (i) Machinery & Equipment, including mobile laboratory facilities and vehicle to mount the facility for DNA sample collection, preservation and examination,
 - (ii) Manpower (can be on contractual basis),
 - (iii) Infrastructure (only limited to Minor works for making existing infrastructure suitable for setting up machinery & equipment).
- (e) Furnish a certificate that no items in the projects proposed overlaps with any other approved activities in any other scheme/project.
- (f) Timelines for completion of project milestones (pert-chart)
- (g) Outcome assured:
 - (i) Reduction in number of pending cases
 - (ii) Adherence to timelines for completion of investigation (60 days) in sexual assault cases.

5.3 A project application shall be sent to Joint Secretary (Women Safety), Ministry of Home Affairs, North Block, New Delhi, duly recommended by the Home Department in the State/UT concerned. Every page in the project application shall be signed by Director, Forensic Science Laboratory of the State/UT concerned.

Project items for which assistance allowed under the Guidelines

6. Assistance under this guidelines is permitted for :

- (i) Procurement of Machinery & Equipment, relating to DNA testing, cyber-forensics and mobile laboratory facilities and vehicle to mount the facility for DNA sample collection, preservation and examination (includes consumables for disposing pending cases subject to a maximum of three years which will be treated as recurring expenditure)
- (ii) Manpower cost
- (iii) Infrastructure strengthening of forensic science labs (Minor works)

Procurement

7. States/UTs shall ensure that all/any procurement shall be made to the extent possible from GeM portal. However, where the same is not possible, it may procure in terms of codal formalities as required under GFR, 2017, or equivalent codal requirements as prescribed in the State/UT concerned.

Approval Mechanism

8. Every project for strengthening of DNA testing, cyber-forensics and on-site mobile forensic facilities in State Forensic Laboratories received in the MHA, shall be appraised in MHA and if found suitable, shall be placed before the Empowered Committee for Nirbhaya Funds in the Ministry of Women and Child Development, New Delhi. Pursuant to the decision of Empowered Committee, the project shall be appraised/ approved in terms of Department of Expenditure, Ministry of Finance OM no. 24(35)/PF-II/2012 dated 5th August 2016. If approved, the Ministry of Home Affairs shall requisition funds in budget under Nirbhaya Funds, and release funds to State/UT concerned.

Release of Funds

9. The central assistance shall be released as Grant in aid to States to complete the project in time bound manner. Funds shall be released in two instalments as below:

- (i) First instalment - 50% of the total assistance approved for the project

(ii) Second instalment - 50% of the remaining funds shall be released to the States/UTs on utilization of 60% of the funds released as first instalment, subject to deductions on account of interest earned.

Monitoring and evaluation of the Project

10.1 The project implementation shall be monitored by a Project Apex Committee constituted under the chairpersonship of Home Secretary concerned in the State/UT. The Project Monitoring Committee may set up and notify suitable sub-committees to monitor different aspects of the project activities. Home Department in the State/UT concerned shall furnish Utilisation Certificate for the project fund received from the Central Grant in aid on an annual basis in format GFR 12-C in terms of Rule 239 of GFR 2017, along with a status report on completion of the project milestones. Where a State/UT is unable to achieve project milestone, it shall record such reasons and seek extension of the timelines from the Ministry of Home Affairs.

10.2 The Ministry of Women and Child Development has setup an Empowered Committee of Officers on Nirbhaya Fund scheme under the Chairpersonship of Secretary, Ministry of WCD. This Committee may undertake regular monitoring of the progress and fund release for the project. Women Safety Division in the MHA shall provide updates to the Empowered Committee on progress in the Projects after taking inputs from concerned States/UTs.

10.3 State shall undertake an independent third-party evaluation of the project outcome. State shall undertake a mid-term evaluation of the project implementation for any mid-term course correction, if necessary, with due approval of MHA.

Audit

11. The Accounting Records and related documents relating to project may be subject to statutory audit by CAG as well as audits by the Internal Audit Party of MHA. State Government will provide all information and records for such audit, if necessary.