CHAPTER 27

CENTRAL FORENSIC SCIENCE LABORATORY (CBI)

C.F.S.L ORGANIZATIONAL SET UP

27.1 In 1968, the Ministry of Home Affairs, Government of India, set up a Forensic Science Laboratory for Delhi Police and the Central Bureau of Investigation under the administrative control of the Central Bureau of Investigation. This laboratory now provides expert opinion on various aspects of Forensic Science concerning crime investigation. Apart from Delhi Police and the CBI, it also provides assistance to the Central Government Departments, State Forensic Science Laboratories, Defence Forces, Government Undertakings, Universities, and Banks etc. in criminal cases. The laboratory has a research and development set-up to tackle special problems. The expertise available at the CFSL is also utilized in teaching and training activities conducted by the CBI, Lok Nayak Jaiprakash Narayan, National Institute of Criminology & Forensic Sciences, Police Training Institutions, Universities and Government Departments conducting Law Enforcement Courses etc.

27.2 CFSL experts are summoned for appearing before the Courts. Their services are also utilized by investigating agencies for the inspection of scenes of crime. All correspondence for assistance/opinion should be addressed to the Director, CFSL (CBI), Block No.4, CGO Complex, Lodhi Road, New Delhi-110 003.

27.3 The following facilities are available in the CFSL (CBI) for the analysis of crime exhibits. In regard to areas where facilities for examination of exhibits are lacking in the CFSL, alternative agencies are suggested by the CFSL to assist the Investigators.

27.3.1 BIOLOGY DIVISION

(i) Identification of blood, menstrual blood, semen, saliva, sweat, urine, vomit, faecal matter, nasal discharge etc. and their stains.

(ii) Identification of different parts of animal and human tissues.

(iii) Identification, origin and comparison of hair. Remarks whether the hair is naturally fallen, forcibly removed, hammered, cut or burnt etc.

(iv) Identification and comparison of all types of fibres, including wool.

(v) Determination of origin, sex, age, height & identity etc. from skeletal remains, including teeth.

(vi) Anthropometric comparison of human skull with photograph before finally attempting the superimposition technique for human identification.

27.3.2 SEROLOGY DIVISION

(i) Identification of species of origin of fresh liquid blood and bloodstains.

(ii) Identification of species of origin of tissue, skin, both fresh and old, muscles and bone pieces having bone marrow.

(iii) Identification of species of origin of washed bloodstains.

(iv) ABO grouping of fresh blood (both from cells and serum) and bloodstains.

(v) ABO grouping of semen, saliva, vomit and other body fluids as well as their stains.

(vi) ABO grouping of mixed diluted and washed bloodstains.

(vii) ABO grouping of blood and semen mixed and other body fluid mixed stains.

(viii) ABO grouping of tissue, skin, muscles, nail clippings and bone fragment.

(ix) Identification of species of origin and ABO grouping from hair having fresh root follicles.

(x) Identification of species of origin and ABO grouping of blood and semen stains having fats and any other material adhering to it.

(xi) Identification of species of origin and ABO grouping of older blood, semen and saliva stains.

27.3.3 **PHYSICS DIVISION**

(i) Examination of paints, glass, metal, including medals, coins etc.

(ii) Examination and comparison of tool/cut marks on metals, clothes, paper, leather, glass etc.

(iii) Examination of telegraph wires.

(iv) X-ray radiographic examination of packets, boxes, letter bombs & other secret contrabands as well as currency notes, lottery tickets etc.

(v) Deciphering of erased/altered numbers on automobiles, cycles, machines, typewriters, firearms and tailor marks.

(vi) Testing and comparison of sealing waxes, stones, statues, electrical wires, machines, motor parts, electric motors, stoves, refrigerators etc.

(vii) Determination of cause of fire whether due to electric short-circuiting or otherwise.

(viii) Determination of direction of force on glass, door, window panes etc. in suicide/murder cases.

(ix) Comparison of fabrics, buttons, soil, seals, printing blocks, printing materials etc.

(x) Reconstruction of scene of crime.

(xi) Comparison and recognition of recorded voice.

27.3.4 **BALLISTICS DIVISION**

(i) Identification & comparison of bullets, cartridges, cartridge cases, etc. recovered from the scene of crime or the body of the victim.

(ii) Estimation of the range, direction and angle of firing.

(iii) Examination of airguns and country-made/non-standard firearms for their performance and measurement of their muzzle velocities to check their lethality.

(iv) Analysis of live explosive of traces of explosive-residues in post explosion debris to determine the type of explosive involved.

(v) Identification of explosives and examination of defused/ exploded explosive devices (service/individual/improvised) to determine their operation and origin.

27.3.5 **DOCUMENTS DIVISION**

(i) Identification of handwriting and signatures.

(ii) Detection of forgeries in signatures

(iii) Examination of typewriting and identification of typewriter & Typist.

(iv) Analysis and comparison of inks and paper.

(v) Examination/comparison and decipherment of rubber seal impressions.

(vi) Examination of handwriting on unusual surfaces at crime scene, like wall, tree, woodlog, mirror, lifts, curtains, weapons, dead body etc.

(vii) Detection and decipherment of erased, altered, obliterated and indented writings.

(viii) Examination and decipherment of writings between pasted documents, examination of adhesive and gums.

(ix) Examination and comparison of printed, cyclostyled, photo and carbon copy writings and signatures

(x) Ascertaining the sequence of two intersecting strokes and folds on documents

(xi) Reconstruction of charred and torn documents.

(xii) Examination of staple pins/clip marks, punch holes etc. on documents.

(xiii) Examination of photocopies/Fax copies and computer printouts.

(xiv) Examination of computer printouts in regard to process of printing.

(xv) Examination of carbon papers and writings thereon.

(xvi) Examination of counterfeit and genuine currency, Indian and foreign notes.

(xvii) Ascertaining the relative or absolute age of documents.

(xviii) Detection of forgeries in travel documents, like passports, traveller cheques, identity cards, credit cards, visas, driving licences etc.

(xix) Detection and decipherment of secret writings.

27.3.6 **CHEMISTRY DIVISION**

(i) Identification of poisons in biological materials (viscera, blood, urine, stomach wash, vomit etc).

(ii) Qualitative analysis of narcotics, Psychotropic substances in accordance with the NDPS Act, 1985.

(iii) Analysis of petroleum products and other inflammable substances in arson cases, including dowry deaths.

(iv) Identification of phenolphthalein in trap cases.

(v) Acids and alkalis analysis and misc. substances.

27.3.7 **FINGERPRINT DIVISION**

(i) Comparison of fingerprints on documents to establish their identity.

(ii) Development and lifting of chance prints on exhibits received in the laboratory for examination or by visiting scene of crime in important cases and their comparison with the specimen fingerprints of the suspects/accused to establish their identity.

(iii) Development of chance prints on documents, such as anonymous letter, threat letter, ransom letter and letter claiming the responsibility for terrorist act by using modern chemical techniques.

(iv) Development of chance prints from difficult surfaces using Laser Beam Technology and Polilight.

(v) Taking of ten-digit fingerprints of living persons.

(vi) Preparation of fingerprint slips from the phalanxes.

(vii) Comparison and identification of foot prints/footwear prints.

27.3.8 **LIE DETECTION DIVISION**

The lie detection technique is based on the principle of psychosomatic interactions of an individual, i.e. a change in a person's consciously held feelings produces a psychological defence reaction in the form of physiological changes in his blood pressure, pulse rate, respiration and electrodermal response (GSR). Fear of detection and entrapment induces a person to conceal the facts and this produces uncontrollable physiological reactions, which are precisely measured by the instrument called Polygraph. The Division provides the following facilities:–

(i) Verification of the statements of suspects, witnesses & complainants with the help of a Polygraph machine.

(ii) To economise and accelerate the process of investigation by screening innocent persons where a large number of suspects are involved.

(iii) Scientific interrogation of suspects in white-collar crime.

(iv) Confirmation/corroboration of the findings of investigation by Investigating Officers.

27.3.9 **PHOTO & SCIENTIFIC AIDS DIVISION**

Forensic Photography:

(i) Photography and videography of scene of crime and crime-related exhibits/objects.

(ii) Photography of accused/suspects.

(iii) General & special photography involving ultraviolet, infra-red and visible radiations of all crime exhibits.

(iv) Oblique light, transmitted light/sidelight photography to decipher indented writings/marks.

(v) Deciphering of processed photo films in damaged conditions.

(vi) Secret photography involving I.R. and Telephoto-lens techniques.

(vii) Microphotography and macrophotography of documents, numerical, signatures, fingerprints etc.

(viii) Photomicrography of blood, semen, hair, fibres etc.

(ix) Identification of camera and allied equipment from the given photo films.

Scientific Aids:

(i) Secret tape recording of conversation under different conditions and its reproduction using special recording devices.

(ii) Secret recordings of telephone conversations.

(iii) Preparation of slides, pictures and posters and their projection for audio-visual display.

(iv) Preparation of audio/ video CDs.

Priority Cases

27.4 Effort is made by the CFSL to give report on the cases within four to six weeks. In special cases, the report can be given on priority cases depending upon the urgency of the requirement of the I.O. In difficult cases where exhibits require multi-discipline examinations or the number of exhibits is large, the examination may take longer time.

Assistance at the Scene of Crime

27.5 Facilities to render assistance at the scene of crime are available. The requisition of such assistance should be sent by the Supervisory Officer to the Director, CFSL, Block No. 4, CGO Complex, Lodhi Road, New Delhi-110 003 outlining the type of expert assistance required. The role of Forensic Scientists at the scene of crime would, however, be purely advisory. The task of collecting clues, their packing and forwarding would not directly and legally involve the expert

scientists sent for advice. Such association at the scene of crime, however, has to be kept to the minimum to meet only specific and urgent requirements.

Summoning of Experts by Courts

27.6 The Director and other Officers of the CFSL have been declared as Chemical Examiner and Assistant Chemical Examiners respectively to the Government of India under Section 293 Cr.P.C. It is, therefore, expected that their expert opinion would be admitted by the Court and only in cases where the Court desires cross-examination, the experts would be called in person. Routine summoning of the experts of the CFSL for Court attendance should, as far as possible, be avoided. However, in no case the Court summons should be disregarded by the CFSL. While requisitioning an Expert of the CFSL for Court evidence, the reference number and date of the expert's report must be mentioned. While fixing a date for Court evidence, a month's notice should be given to the expert in order to ensure his presence keeping in view his commitments with other Courts.

CFSL help on other matters

27.7 Services of the CFSL experts can also be obtained for providing clarifications on disputed matters. Exhibits which have already been examined by another Forensic Science Laboratory in a given case are not ordinarily accepted by the CFSL for re-examination unless specific reasons for the need of re-examination of cases along with full facts are made available. The CFSL also advises various Investigating Officers as to the type of scientific aid equipment which may be needed for their use. Training of Investigating Officers in the use of Forensic Science (specially for the purposes of obtaining relevant physical clues at the scene of crime) is also provided by the CFSL.

27.8 The CBI Officers may approach Director, CFSL, New Delhi for obtaining assistance in Forensic Science matters even if they are not covered in the Manual. Director, CFSL will arrange such necessary facilities.

GUIDELINES & INSTRUCTIONS FOR SUBMISSION OF CASES TO THE CFSL

27.9 The procedure to be followed and care to be taken while forwarding cases to the CFSL for examination and opinion have been elaborated in this section.

27.10 The cases should be submitted for the examination and opinion of the CFSL by filling up the forwarding memo at Annexure 27-A. Clear specimen seal impressions on sealing wax and its ink impression separately must accompany this form for comparison with the seal impressions on the exhibits/parcels. The exhibits, duly described, packed, marked and sealed, should accompany this memo. Cases/exhibits should be sent through an authorized messenger and should be similarly collected on receipt of information from the CFSL along with the report of the CFSL.

27.11 Specific guidelines by the various Divisions with respect to exhibits are enumerated below:

27.11.1 **BIOLOGY DIVISION**

(i) All stains caused by body fluids should be dried in air and shade. Each stained area should be covered by clean paper and then packed. Each article should be packed separately.

(ii) Vaginal/cervical and anal swabs collected during medical examination should be dried immediately and then sent in a glass tube promptly to the laboratory.

(iii) Vomit and faecal stains should be sent after drying and should be suitably packed.

(iv) Tissue samples may by preserved in 10% formalin and sent to the laboratory if serological examination is also required, i.e. origin and grouping, the tissue sample should be preserved in 0.85% saline water.

(v) If there are hair sample on the victim or accused or on a weapon, sample hair of victim as well as from the suspect should be sent separately in sufficient quantities. Hair may be pulled out to get a random sample. If this is not feasible, a considerable number of hair should be collected by cutting them close to the skin and they should be packed and labelled accordingly. If no other suitable method is practicable for the collection of hair, the method of combing may be adopted.

(vi) Bones collected should be sent as such after drying and the same should be packed carefully without fracturing.

(vii) The stain or tissue etc. should never be touched directly with fingers, as the sweat and skin may contaminate the stains. Sterilized tweezers may be used for handling.

27.11.2 **SEROLOGY DIVISION**

(i) A piece of cloth stained with a few ml of post-mortem blood should be dried thoroughly and should be packed in a clean paper envelope. Liquid blood when kept at room temperature for a long period would disintegrate and become useless for scientific examination. Airtight/unsterile bottles and plastic bags be avoided in sexual offence cases where ABO grouping of semen/saliva stains is required for comparison.

(ii) Whenever stains are forwarded, the control materials/clothes must be sent separately.

(iii) Blood and saliva samples (1-2ml) of both the suspect and the victim, packed in ice boxes, may be rushed immediately to the CFSL to avoid putrefaction.

(iv) All the stains caused by blood semen or other body fluids should be preserved well by drying in air and packed properly.

(v) Different individual blood semen or other body fluids should be packed separately.

27.11.3 **PHYSICS DIVISION**

(i) For examination of paint on vehicles, the paint smears on a vehicle and the paint flakes from the scene of crime should be collected separately. Control sample of paint from each vehicle under examination should be collected separately and marked. Assistance from the experts should be taken for collecting samples, if necessary.

(ii) Soil/mud on a victim's clothes or on shoes should be preserved carefully. Disputed and control samples should be packed and marked separately.

(iii) To ascertain the direction of force in cases of broken window panes, remnants of the glass pieces of window panes which remain intact in the window frame should be marked indicating inside and outside of a room. These be packed carefully to avoid any breakage.

(iv) Tool marks on articles/cut ends of wire should be covered with cotton and then packed in airtight containers to avoid further damage.

(v) In cases of examination of copper and telegraph wires, the questioned samples should be at least one meter in length.

(vi) Guidelines as per Annexure 27-B should be followed for recording conversations required for comparison/recognition of voice.

27.11.4 **BALLISTICS DIVISION**

(i) Arms, their components and ammunition when seized from a scene of crime or a suspect or from elsewhere should be packed and sealed separately.

(ii) Clothes of the deceased/injured having bullet marks should be sent to the laboratory. The powder marks around the bullet holes should be preserved by covering them and stapling around with a piece of clean polythene sheet.

(iii) A firearm should be unloaded before forwarding to the laboratory. Before unloading, the number, position & orientation of the live, misfired and fired cartridge cases in the chamber and magazine of the weapon should be carefully observed and forwarded to the laboratory.

(iv) Position of all exhibits, bullets and ricochet marks at the scene of crime should be noted, measured, photographed and forwarded to the laboratory. Similar guidelines should be allowed in cases of explosives as well.

(v) Fired bullets, cartridge cases and the weapons used in crime should be sent as such. Effort should not be made to clean them. The bullets/cartridge cases should be wrapped in cotton wool and packed in containers to ensure that the microscopic marks appearing on them are not disturbed/destroyed during transit.

(vi) The services of a ballistics expert should be requisitioned for scientific evaluation of an undisturbed crime scene and post-mortem examination in important cases.

(vii) Copy of the post-mortem report/injury sheet should be sent in cases of death/injury by firearms.

(viii) Only defused explosive/explosive devices are examined. The defused device and a small representative sample (10gm) of the live chemical explosive should be sent to the laboratory through a messenger.

(ix) Live detonators should be wrapped in cotton wool and then packed in paper cartons separately and labelled to avoid accidents during transit. Chemical explosives, hand grenades dynamite cartridges should be sent separately.

27.11.5 **DOCUMENTS DIVISION**

For referring cases of questioned documents to the CFSL, New Delhi, guidelines already laid down at paras 15.7 to15.14 of Chapter 15 may be referred.

In addition, the following precautions should be observed while handling documents;–

(i) Keep documents unfolded in protective envelopes.

(ii) If storage is necessary, keep the documents in dry place away from excessive heat and strong light.

(iii) Do not mutilate or damage by repeated re-folding creasing, cutting, tearing or punching for filing purposes.

(iv) Documents should not be subjected to frequent or careless handling and should, from the very beginning, be properly protected either by placing them between sheets of blank paper or preferably between thin transparent sheets of celluloid.

(v) Document requiring development of chance prints should be protected in transparent celluloid envelopes.

27.11.6 **CHEMISTRY DIVISION**

(i) The Investigating Officer should furnish the history of a case to enable the CFSL Expert to arrive at a correct interpretation in poisoning/unnatural death cases. The Investigating Officers should ensure that the medical Officer uses suitable preservatives while forwarding the exhibits, keeping in view the history of the poisoning case.

(ii) Arrangements should be made to deposit the samples as quickly as possible in the laboratory.

(iii) A legible post-mortem report mentioning the nature of the suspected poison (on the basis of symptoms) should invariably accompany the exhibits.

(iv) In case of suspected poisoning cases where the suspect had subsequently been undergoing medical treatment, the prescription and nature of treatment should also be provided.

(v) The I.O. visiting the scene of crime in a poisoning case is advised to take into possession the remnants of food, drinks, bottles, utensils and wrappers. Vomit/blood from the scene should be swabbed with cotton, packed in polythene bag and forwarded to the laboratory.

(vi) Opium 20 gms, charas 5 gms and other drugs 5 gms each are recommended for analytical work.

(vii) Cases of food poisoning (except where poison had been added in the food from outside) may be referred to the concerned Health Laboratory. Cases of death due to animal bite, snake bite, scorpion bite etc. should not be referred to the laboratory.

(viii) In trap cases involving use of phenolphthalein, at least 100 ml of wash should be sent in clean glass bottles with screw cap. The samples should be sent for analysis promptly.

(ix) Burnt material approximately 500 gm. be collected from the suspected origin of fire and packed in polythene bag or airtight container. This should be sealed before forwarding to the Forensic Laboratory. Suspected inflammable liquid preserved in a glass bottle should be sent separately. For examination of inflammable liquids, the quantity of liquid may be approximately 150 ml.

(x) Crime scene visit is of great value if there is no clue to the fire to ascertain the origin of fire.

27.11.7 **FINGERPRINT DIVISION**

(i) A scene of crime must be kept protected if the experts are required to develop chance fingerprints.

(ii) Efforts should be made to ensure that chance prints on exhibits sent for development are not disturbed or destroyed during packing and forwarding.

(iii) Phalangeal skin of dead bodies should be got removed carefully by the Surgeon conducting the autopsy and be sent in ten separate bottles with proper preservative, each bottle having the label indicating the digit to which it belongs. This is essential for preparing a ten digit fingerprint slip of the deceased to establish identity.

(iv) While referring documents for examination, the questioned, admitted and specimen fingerprints should be carefully marked and numbered; the questioned prints in Q series, admitted in A series and the specimen prints in S series.

(v) For comparison, the specimen prints should be clear and identifiable. They should be taken in preferably printer's ink only. In addition to rolled prints, specimen plain prints of all the ten-digits should also be sent in triplicate.

(vi) Requisition letter required for visiting scene of crime.

27.11.8 **LIE DETECTION DIVISION**

(i) The Lie Detection Test is undertaken by prior appointment on a written request from the Investigating Officer.

(ii) The Investigating Officer directly involved in the investigation should be present in the laboratory for discussion of the case in detail to formulate the issues to be probed before the examination.

(iii) The subject for Polygraph examination must have normal amount of rest and food during the 24 hours before the scheduled examination.

(iv) A Polygraph examination should not be requested for until a fairly thorough investigation has been undertaken, including physical evidence. Without the results of such investigation it is extremely difficult for the examiner to formulate proper questions and to uncover inconsistencies which may exist in the subject's statement.

(v) The following material should be made available to the Lie Detection Division well in advance of the date of examination of the subject:

(1) A copy of the FIR.

(2) Investigation report, including facts, names, places, times, dates, diagrams of scene of crime, photographs etc.

(3) Statements of the subjects, i.e. suspects/ witnesses/ complainants.

(4) In case of serious injury, violent or suspicious deaths, sex offences, a copy of the attending physician's report or the medico-legal report should be provided.

(5) In cases of sex offences, such as intercourse with a female child, forcible rape, indecent liberties or perversion, it is important that the victim as well as the accused are made available for interview and/or Polygraph examination. It is essential that the Polygraph examiner has a first-hand detailed statement from the victim and that the interview of the victim precedes that of the suspect or witnesses.

27.11.9 **PHOTO & SCIENTIFIC AIDS DIVISION**

(i) **The** requisition forwarded must detail complete requirements of photography.

(ii) **Damaged** and processed films should be packed in soft paper to avoid further damage to its emulsions etc.

(iii) **For** oblique light photography, the specimen should be packed in unfolded condition.

CYBER FORENSIC LABORATORY

27.12 A new addition to the technical assistance with CFSL (CBI) is the Cyber Forensic Laboratory. The functions and type of assistance available in this Laboratory are mentioned in a separate order issued on the subject.

ANNEXURE 27-A

PROFORMA USED IN CFSL

FORWARDING NOTE

In all cases where examination of any material is required at the laboratory, a copy of the form duly filled in should accompany the exhibit

Letter No.....…….....……...
Dated.....……..…….....……...

RC /FIR/DD/PE No.....……... Dated.....……...

Branch/PS.....

State.....

Section of Law.....

I. NATURE OF CRIME

(This should cover nature of charge, brief history and relevant details)

II. LIST OF EXHIBITS SENT FOR EXAMINATION

Sl. No.	Description of The Exhibits	How, when and by whom found	Source of Exhibits	Remarks

III NATURE OF EXAMINATION REQUIRED

1
2
3
4
5
6

IV. PARTICULARS OF PERSONS IN CUSTODY

Sl. No.	Full Name	Occupation	Age	Sex	Date & Time of Arrest	Whether on Bail or in Custody	Court

Rank & Signature of the
Investigating Officer

Dated .....
Memo No. .....

Forwarded to the Director, Central Forensic Science Laboratory, Central Bureau of Investigation, Block No. 4, CGO Complex, Lodhi Road, New Delhi - 110003

Specimen(s) seal(s) impression(s)
of Exhibit(s) / Parcel (s)
With sealing wax and printer ink

Signature & Designation
of the forwarding Officer
(with seal impression)

CERTIFICATE OF AUTHORITY

Certified that the Director, Central Forensic Science Laboratory, Central Bureau of Investigation, Block No. 4, CGO Complex, Lodhi Road, New Delhi has the authority to examine the exhibits sent to in connection with the Case No. .....……..... Police Station.....….....S/V.....….....U/S.....….....Dated..……... and, if necessary, to take them into pieces or remove portions (s) and to conduct test firing of cartridge for the purpose of said examination.

Signature & Designation
of the forwarding Officer
(with seal impression)

Place :

Date:

ANNEXURE 27-B

GUIDELINES FOR RECORDING CONVERSATION/VOICE USING AUDIO RECORDING SYSTEMS

Guidelines are being circulated for better recording of conversation with least disturbances of noise and distortion etc.

RECORDING EQUIPMENT

(1) A high-quality apparatus (High frequency & high intensity) may be used for recording. Mini cassettes are not suitable and, hence, not recommended. A recorder with two track technique and having 'Auto level control' should be preferred.

(2) Fresh chromium Oxide Cassette Tape(C-60) should be used. Cassettes C-90 or C-120 should not be used.

(3) As far as possible, the tape recorders be operated on 220 volts A.C. In other cases, new batteries are to be used for each recording.

(4) The recording should be made with a steady speed of not less than 4.75 cm/sec. though 9.95 cm/sec. speed would be preferred.

(5) Prior to each recording, recording head of the apparatus is required to be cleaned with alcohol.

(6) Complete automation with respect to the recording Unit is preferable.

RECORDING OF QUESTIONED & SPECIMEN VOICES

(1) Recording of specimen sample of voice should be done in a sound-proof room. As far as possible, the specimen voice and questioned voice be recorded under similar conditions.

(2) The conversation should be prolonged in such a manner that the relevant words are repeated a number of time. A similar text in the same language should be prepared for recording the specimen samples.

(3) The speaker should be at a distance of about one foot from the microphone and should speak with normal speed and loudness. It is an essential requirement to stabilize the speech of the speaker, for which, he may be asked to speak continuously for two minutes before he reads the prepared text. The text should be read continuously for 1 minute to be followed by a pause of 30 seconds and this process be repeated twice. The speaker be directed not to speak/read too fast or too slow, but he should read/speak normally.

(4) The Investigator should make all efforts to eliminate as much background noise as possible by not playing Radio, T.V, Air conditioners, Fans or overlapping conversations.

(5) Make the suspect conversant with the text of specimen speech before the recording starts.

(6) The I.O and suspects should identify themselves and mention the case number/objective of recording. The time, date, location and telephone numbers should also be recorded.

(7) In the event of a suspect disguising his voice, the I.O should ask for the repetition of disguised words until he feels satisfied that the suspect is speaking in the same way as in the questioned voice.

(8) The voice of the suspect should be recorded when he is in normal physical and mental health.

(9) 'Auto Message Recorder' should be used for recording telephonic conversation.

(10) In case any clarification is required, the Investigating Officer may get in touch with the CFSL /CBI

(11) The text of conversation should be documented and forwarded to laboratory.

ANNEXURE27-C

NATIONAL HUMAN RIGHTS COMMISSION

GUIDELINES RELATING TO ADMINISTRATION OF POLYGRAPH TEST (LIE DETECTOR TEST) ON AN ACCUSED

The Commission has received complaints pertaining to the conduct of Polygraph Test (Lie Detector Test) said to be administered under coercion and without informed consent. The tests were conducted after the accused was allegedly administered a certain drug. As the existing Police practice in invoking the Lie Detector Test is not regulated by any 'Law' or subjected to any guidelines, it could tend to become an instrument to compel the accused to be a witness against himself violating the constitutional immunity from testimonial compulsion.

These matters concerning invasion of privacy have received anxious consideration from the Courts [see *Gomath*i v. *Vijayaraghavan* (1995) Cr.L.J.81(Mad); *Tushaar Roy* v. *Sukla Roy* (1993) Cr.L.J. 1959 (Cal); *Sadashiv* v. *Nandin*i (1995) Cr.L.J. 4090]. A suggestion for legislative intervention was also made. Insofar as matrimonial disputes were concerned, American Courts have taken the view that such tests are routinely a part of everyday life and upheld their consistory with due process [see *Breithbaupht* v. *Abram* (1957) 352 US 432]. To hold that because the privilege against testimonial compulsion "protects only against extracting from the person's own lips" [see *Blackford* v. *US* (1958) 247F(20) 745], the life and liberty provisions are not attracted may not be wholly satisfactory. In India's context, the immunity from invasiveness (as aspect of Art. 21) and from self-incrimination (Art .20(3) must be read together. The general executive power can not intrude on either constitutional rights and liberty or, for that matter, any rights of a person [see *Ram Jawayya Kapur* (1955) 2 SCR 225]. In the absence of a specific 'law', any intrusion into fundamental rights must be struck down as constitutionally invidious [see *Ram Jawayya Kapur* (1955) 2 SCR 225; *Kharak Singh* (1964) 1 SCR 332 at pp. 350; *Bennett Coleman* (1972) 2 SCR 288 at pr. 26-7; *Thakur Bharat Singh* (1967) 2 SCR 454 at pp. 459-62*; Bishamber Dayal* (1982) 1 SCC 39 at pr. 20-27*; Naraindass* (1974) 3 SCR at pp. 636-8; *Satwan*t(1967) 3 SCR 525]. The Lie Detector Test is much too invasive to admit of the argument that the authority for Lie Detector Tests comes from the General power to interrogate and answer questions or make statements (Sections 160-167 Cr.P.C.). However, in India, we must proceed on the assumption of constitutional invasiveness and evidentiary impermissiveness to take the view that such holding of tests is a prerogative of the individual not an empowerment of the Police. Inasmuch as this invasive test is not authorized by law, it must perforce be regarded as illegal and unconstitutional unless it is voluntarily undertaken under non-coercive circumstances. If the Police action of conducting a Lie Detector Test is not authorized by law and impermissible, the only basis on which it could be justified is, it is volunteered. There is a distinction between (a) volunteering, and (b) being asked to volunteer. This distinction is of some significance in the light of the statutory and constitutional projections available to any person. There is a vast difference between a person saying, "I wish to take a Lie Detector Test because I wish to clear my name" and a person is told by the Police, "If you want to clear your name, take a Lie Detector Test". A still worse situation would be where the Police say, "Take a lie detector test, and we will let you go." In the first example, the person voluntarily wants to take the test. It would still have to be examined whether such volunteering was under coercive circumstances or not. In the second and third examples, the Police implicity (in the second example) and explicity (in the third example) link up the taking of the Lie Detector Test to allowing the accused to go free.

The extent and nature of the 'self-incrimination' is wide enough to cover the kinds of statements that were sought to be induced. In *M.P. Sharma* (AIR 1954 SC 300), the Supreme Court included within the protection of the self-incrimination rule all positive volitional acts which furnish evidence. This by itself would have made all or any interrogation impossible. The test–as stated in *Kathi Kalu Oghad* (AIR 1961 SC1808)– retains the requirement of personal volition and states that 'self-incrimination' must mean conveying information based upon the personal knowledge of the person giving information. By either test, the information sought to be elicited in a Lie Detector Test is information in the personal knowledge of the accused.

The Commission, after bestowing its careful consideration on this matter of great importance, lays down the following guidelines relating to the administration of Lie Detector Tests:–

(i) No Lie Detector Tests should be administered except on the basis of consent of the accused. An option should be given to the accused whether he wishes to avail such test.

(ii) If the accused volunteers for a Lie Detector Test, he should be given access to a lawyer and the physical, emotional and legal implication of such a test should be explained to him by the Police and his lawyer.

(iii) The consent should be recorded before a Judicial Magistrate.

(iv) During the hearing before the Magistrate, the person alleged to have agreed should be duly represented by a lawyer.

(v) At the hearing, the person in question should also be told in clear terms that the statement that is made shall not be a 'confessional' statement to the Magistrate but will have the status of a statement made to the Police.

(vi) The Magistrate shall consider all factors relating to the detection including the length of detection and the nature of the interrogation.

(vii) The actual recording of the Lie Detector Test shall be done in an independent agency (such as a hospital) and conducted in the presence of a lawyer.

(viii) A full medical and factual narration of manner of the information received must be taken on record.

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