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From Discretion to Duty: The Forensic Investigation Mandate Under the Bharatiya Nagarik Suraksha Sanhita, 2023, and the Infrastructure Imperative

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Abstract

On 1 July 2024, the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) came into force, replacing the Code of Criminal Procedure, 1973 in its entirety. The most consequential innovation for the investigative process is contained in Section 176(3): for every offence punishable with imprisonment of seven years or more, the officer in charge of a police station is now under a statutory duty to cause a forensic expert to visit the crime scene, collect forensic evidence, and videograph the process using a mobile phone or other electronic device. This provision represents a fundamental doctrinal shift from the regime of the old Section 157 CrPC, under which no such obligation existed and scientific evidence collection remained wholly discretionary. This article maps the architecture of that shift—its legislative genealogy, its precise statutory scope, and its intersection with the digital evidence provisions of the Bharatiya Sakshya Adhiniyam, 2023. It then undertakes a critical audit of the implementation landscape, examining the gap between the mandate's ambitions and the realities of India's forensic science infrastructure: acute vacancies in Forensic Science Laboratories, pendency-driven backlogs, inadequate digital forensic capacity, and uneven state-level readiness. Drawing on comparative experience from the United Kingdom, the United States, and Australia, the article evaluates the judicial consequences of non-compliance with the BNSS forensic mandate—particularly in light of the Kerala High Court's landmark direction in *Suresh v. State of Kerala* (2025)—and examines whether the absence of an explicit evidentiary sanction for non-compliance creates a lacuna that courts must fill. The article concludes by proposing a calibrated reform pathway combining legislative clarification, executive investment through the National Forensic Infrastructure Enhancement Scheme, and judicial enforcement mechanisms to ensure that Section 176(3) evolves from a paper promise into an operative standard of scientific policing.

Keywords: *Bharatiya Nagarik Suraksha Sanhita 2023; Section 176(3) BNSS; Forensic Investigation Mandate; Bharatiya Sakshya Adhiniyam 2023; Digital Evidence; Forensic Science Laboratories.*

I. INTRODUCTION

The relationship between criminal investigation and scientific evidence has long been one of aspiration rather than obligation in Indian law. The Code of Criminal Procedure, 1973 (CrPC) contained no provision compelling the involvement of forensic experts at a crime scene. Investigation was governed by the experienced intuition of the investigating officer, and recourse to the forensic laboratory was a matter of departmental practice rather than legal duty. The result, as documented extensively by Project 39A's landmark Forensic Science India Report, was a system of chronic underutilisation, uneven institutional capacity, and a persistent dependence on eyewitness testimony and confessional evidence over scientific proof.¹

The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), which came into force on 1 July 2024, marks a decisive departure from this tradition. Section 176(3) introduces, for the first time in Indian procedural law, a positive statutory duty to conduct forensic investigation in all offences carrying a punishment of seven years or more. The officer in charge of the police station must ensure that a forensic expert visits the crime scene, and that the process is video graphed on a mobile phone or other electronic device.²

The significance of this shift cannot be overstated. It relocates forensic investigation from the domain of police discretion to that of legal obligation—a transformation with profound consequences for investigative practice, evidentiary standards, and the rights of accused persons and victims alike. Yet the provision is also attended by formidable uncertainties. It operates on a delayed implementation model, giving State Governments up to five years to notify the date on which the mandatory forensic visit requirement shall take effect within their territory. It offers no explicit evidentiary consequence for non-compliance. And it arrives in a landscape in which India's Forensic Science Laboratories already struggle with vacancy rates approaching forty percent and backlogs measured in tens of thousands of pending cases.

This article proceeds in five parts. Part II traces the legislative architecture of Section 176(3) and its relationship to the companion provisions of the Bharatiya Sakshya Adhiniyam, 2023. Part III undertakes a critical audit of India's forensic infrastructure and the gap between statutory ambition and operational reality. Part IV examines the emerging jurisprudence on BNSS forensic compliance, with particular attention to the Kerala High Court's direction in *Suresh v. State of Kerala*. Part V surveys comparative experience from the United Kingdom, the United States, and Australia. Part VI sets out the authors' conclusions and reform proposals.

¹Project 39A, National Law University Delhi, *Forensic Science India Report: A Study of Forensic Science Laboratories (2013–2017)* (2019), available at <<https://www.project39a.com>> (last accessed 20 May 2026).

²Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter BNSS), s. 176(3). The BNSS came into force on 1 July 2024 alongside the Bharatiya Nyaya Sanhita, 2023 and the Bharatiya Sakshya Adhiniyam, 2023.

II. THE LEGISLATIVE ARCHITECTURE OF SECTION 176(3) BNSS

A. The Predecessor Regime: Section 157 CrPC

Section 157 of the CrPC governed the procedure for investigation from the moment a police officer received information about a cognizable offence. The section directed the officer to proceed to the spot, investigate the facts and circumstances of the case, and, if necessary, take measures for the discovery and arrest of the offender. It imposed no forensic obligation whatsoever. The deployment of forensic resources was entirely a matter of police discretion, shaped by departmental guidelines, available infrastructure, and the investigating officer's assessment of necessity.³

This absence of a forensic mandate had well-documented consequences. In a survey of sixty-one Forensic Science Laboratories conducted by Project 39A between 2013 and 2017, the report found large vacancies in government forensic laboratories, significant funding delays, underutilisation of budgets, and inadequate physical infrastructure.⁴ Courts frequently received forensic reports years after the crime, and juries of fact were routinely called upon to determine guilt in the absence of any scientific evidence. The Supreme Court in *Tomaso Bruno v. State of Uttar Pradesh* recognised the critical importance of forensic evidence in serious criminal cases, but acknowledged that the legal framework provided no mechanism to compel its collection.⁵

B. Section 176(3) BNSS: The Statutory Text and Its Scope

Section 176(3) of the BNSS provides that upon receipt of information relating to the commission of an offence punishable with imprisonment of seven years or more, the officer in charge of a police station shall cause a forensic expert to visit the crime scene to collect forensic evidence, and shall also cause the process to be videographed on a mobile phone or any other electronic device.⁶ Where forensic facilities are not available within the State, the State Government is required to notify the utilisation of forensic facilities of any other State until the required capacity is developed locally.⁷

The provision carries three defining features. First, it is triggered by the quantum of punishment—seven years or more—rather than by the category of offence. This means it captures a wide range of serious offences under the Bharatiya Nyaya Sanhita, 2023 (BNS), including murder, rape, robbery, kidnapping, and offences under special statutes such as the Narcotic Drugs and Psychotropic Substances Act, 1985 and the Protection of Children from Sexual Offences Act, 2012.

³Code of Criminal Procedure, 1973, s. 157. See also V.K. Mitra, *Commentary on the Code of Criminal Procedure* (22nd edn, LexisNexis 2019) 843.

⁴Project 39A, *Forensic Science India Report* (n 1) chs 3–5. See further Shreehari Nair, "Large Vacancies, Underutilised Budgets in India's Forensic Science System" *IndiaSpend* (19 August 2023) <<https://www.indiaspend.com>> (last accessed 20 May 2026).

⁵*Tomaso Bruno v. State of Uttar Pradesh* (2015) 7 SCC 178.

⁶The Print, "What New Criminal Law Says About Forensic Evidence & How This Could Put 'Immense Stress' on Labs" (2 March 2024) <<https://theprint.in/judiciary>> (last accessed 20 May 2026).

⁷BNSS, s. 176(3) proviso. See also LexisNexis India, "Bharatiya Nagarik Suraksha Sanhita: Paradigm Shift from Procedural Code to Nagarik Suraksha" (8 October 2025) <<https://www.lexisnexis.com>> (last accessed 20 May 2026).

Second, it is cast as a positive duty on the officer in charge. The phrase "shall cause" is obligatory, not permissive. This is a critical textual departure from the discretionary language of Section 157 CrPC, and it establishes a binary: either the forensic expert visits the crime scene or the law has been violated. As the P39A Criminal Law Blog observed in its authoritative analysis of the BNSS Bill, Clause 176(3) "introduces a new requirement to the procedure for investigation prescribed under s.157 CrPC i.e. collection of forensic evidence from crime scenes by a forensic expert."⁸

Third, the provision incorporates a transitional mechanism. Implementation is to occur from the date to be notified by the State Government, which must act within five years of the BNSS coming into force. The P39A analysis has noted an ambiguity in this formulation: it is unclear whether the five-year period is a deadline for notification (with actual implementation potentially occurring later) or a deadline for the provision to become operative.⁹ This ambiguity has operational significance, and its resolution will require either legislative clarification or authoritative judicial interpretation.

C. Companion Provisions: Digital Evidence Under the Bharatiya Sakshya Adhiniyam, 2023

Section 176(3) does not operate in isolation. It forms part of a forensic-digital ecosystem created by the three new criminal laws taken together. The Bharatiya Sakshya Adhiniyam, 2023 (BSA), which replaced the Indian Evidence Act, 1872, makes several foundational changes to the law of evidence that directly interact with the forensic mandate. Most significantly, Section 57 of the BSA classifies electronic and digital records as primary evidence—a departure from the Indian Evidence Act regime where electronic records were treated as secondary evidence requiring certification under Section 65B.¹⁰

Section 63 of the BSA governs the admissibility of electronic records and now requires a two-part certificate: one signed by the person in charge of the device from which the record is generated, and another by a digital forensic expert.¹¹ This two-signature requirement institutionalises the role of the forensic expert not merely at the crime scene (under Section 176(3) BNSS) but also at the stage of production of evidence before the court. The forensic chain is therefore statutory at both ends.

Additionally, Section 193(2)(i) of the BNSS mandates that a police report must include the chronology of custody in cases involving electronic devices—a codification of the chain-of-custody requirement for digital forensic evidence.¹² Taken together, these provisions represent a coherent legislative design to make the forensic and digital evidentiary chain continuous, documented, and legally enforceable.

⁸Project 39A Criminal Law Blog, "Criminal Law Bills 2023 Decoded #17: Forensic Evidence" (16 November 2023) <<https://p39ablog.com>> (last accessed 20 May 2026).

⁹ibid. The P39A Blog notes: "it is unclear whether the time limit has been prescribed for states to notify the date of implementation ... or for the implementation of the provision itself."

¹⁰Bharatiya Sakshya Adhiniyam, 2023 (hereinafter BSA), s. 57 (Explanations 4–7). See Rahul Kailas Bharati and Sandeep Nagarale, "Digital Forensic Science and Evidentiary Standards in the Bharatiya Sakshya Adhiniyam (BSA) 2023" *SSRN* (21 November 2024) <<https://ssrn.com/abstract=5382703>> (last accessed 20 May 2026).

¹¹BSA, s. 63(4)(c). The certificate must be signed by both the person responsible for the device and a digital forensic expert — a two-signature requirement that did not exist under s. 65B of the Indian Evidence Act, 1872.

¹²BNSS, s. 193(2)(i). See IJLMH, "Role of Forensic Evidence under BNSS 2023" <<https://ijlmh.com/wp-content/uploads/Role-of-Forensic-Evidence-under-BNSS-2023.pdf>> (last accessed 20 May 2026).

III. A CRITICAL AUDIT OF INDIA'S FORENSIC INFRASTRUCTURE

A. The Structural Deficit

The ambition of Section 176(3) confronts a stark institutional reality. The Union Cabinet's approval of the National Forensic Infrastructure Enhancement Scheme (NFIES) in June 2024, with a financial outlay of Rs. 2,254.43 crore for the period 2024–25 to 2028–29, was itself premised on an official acknowledgment that "there is a significant shortage of trained forensic manpower in the Forensic Science Laboratories (FSLs) in the country" and that "significant investment and enhancement in national forensic infrastructure is imperative."¹³

The Project 39A Forensic Science India Report, which examined sixty-one FSLs—including all eight Central Forensic Science Laboratories (CFSLs), thirty-one State FSLs, and at least one Regional FSL from each state—documented a vacancy rate of approximately forty percent at twenty-six FSLs across the country. The report also found significant underutilisation of budgets: actual laboratory expenditure was less than three-quarters of forecasted amounts, and less than forty percent of the forecasted equipment budget was actually spent over the five-year study period.¹⁴

This is not merely a resource problem—it reflects a deeper structural misalignment between the legal aspiration of scientific investigation and the institutional capacity to deliver it. The BNSS's five-year transitional window is a frank recognition of this gap. But transitional flexibility, if unaccompanied by enforceable milestones and adequate central support, risks becoming permanent deferral.

B. The Workload Surge and Its Implications

The NFIES scheme explicitly anticipated that the mandatory forensic investigation requirement under the BNSS "is expected to lead to a significant increase in the workload of forensic science laboratories."¹⁵ This is not a speculative concern. When the mandatory forensic mandate becomes operative across all States for all offences carrying seven or more years of imprisonment—a category that encompasses the vast majority of serious crime—the incremental burden on FSLs will be substantial.

In Kerala, the Kerala Legal Services Authority petition before the Kerala High Court highlighted a shortage of scientific officers so acute that forensic reports were being delayed for months and even years, with 7,202 NDPS cases alone awaiting forensic analysis.¹⁶ The High Court responded by persistently pressing the Ministry of Home Affairs for the establishment of a Central Forensic Science Laboratory in Thiruvananthapuram. While the Ministry confirmed in September 2024 that a site had been identified, the

¹³Cabinet Approval of the National Forensic Infrastructure Enhancement Scheme (NFIES), Press Release, Prime Minister's Office (19 June 2024) <<https://www.pmindia.gov.in>> (last accessed 20 May 2026). The total outlay is Rs. 2,254.43 crore for the period 2024–25 to 2028–29.

¹⁴"The Backlog Crisis: India's Forensic Labs Are Drowning — And Justice Is Paying the Price" *BuddingForensicExpert.in* (12 April 2026) <<https://www.buddingforensicexpert.in>> (last accessed 20 May 2026). The article draws on Project 39A data establishing that actual laboratory expenditure was less than three-quarters of forecasted amounts and less than 40% of the forecasted equipment budget was spent over the five-year study period.

¹⁵NFIES Cabinet Approval (n 13).

¹⁶"Kerala High Court Demands Urgent Action on Central Forensic Lab for Thiruvananthapuram" *BuddingForensicExpert.in* (11 April 2026) <<https://www.buddingforensicexpert.in>> (last accessed 20 May 2026).

projected capacity expansion under NFIES—seven new CFSLs across India—remains a medium-term aspiration rather than an immediate solution.¹⁷

C. The Digital Forensics Gap

A particular dimension of the infrastructure deficit concerns digital forensic capacity. The Vidhi Centre for Legal Policy's analysis of the BSA has observed that the dual-signature certification regime under Section 63 "rests on the belief that expert validation enhances probative value" but "presumes access to both institutional capacity and qualified experts, an assumption that falters due to insufficiency of Indian Forensic Science Laboratories."¹⁸

Many forensic laboratories face acute shortages of trained digital examiners, with specialists leaving for private-sector employment attracted by superior compensation. This creates a compounding problem: the BNSS and BSA together create a legal framework that is more demanding of digital forensic expertise than anything that previously existed, but the institutional apparatus to meet that demand has not yet been built.

D. State-Level Innovation and the Equality Problem

There is, however, evidence of constructive state-level innovation. Maharashtra's introduction of mobile forensic laboratories—units designed to reach crime scenes faster and gather on-site evidence—represents a promising model for operationalising Section 176(3) before fixed laboratory capacity reaches the required scale.¹⁹ The Maharashtra Forensic Department reported a twenty-two percent improvement in efficiency in 2024 compared to 2023.²⁰

These state-level innovations underscore an important structural point: the implementation of Section 176(3) is not uniform across India, and the five-year notification window will likely produce a patchwork of uneven compliance. A forensic mandate that operates in Maharashtra but not in Bihar, or in urban jurisdictions but not in rural ones, raises serious questions of equal protection under Article 14 of the Constitution.

IV. EMERGING JURISPRUDENCE ON BNSS FORENSIC COMPLIANCE

A. Suresh v. State of Kerala (2025)

The most significant judicial development on the BNSS forensic mandate is the Kerala High Court's decision in *Suresh v. State of Kerala*, decided by a Division Bench comprising Justices Raja Vijayaraghavan V. and K.V. Jayakumar on 23 July 2025.²¹

¹⁷ *ibid.* The Deputy Solicitor General of India informed the Kerala High Court that a CFSL site had been identified in Thiruvananthapuram per a government communication dated 3 September 2024.

¹⁸ Vidhi Centre for Legal Policy, "The Evolving Enigma" (8 July 2025) <<https://vidhilegalpolicy.in/blog/the-evolving-enigma>> (last accessed 20 May 2026).

¹⁹ "Mobile Forensic Labs Would Be Game Changer: CM Fadnavis" *Deccan Herald* (14 July 2025) <<https://www.deccanherald.com>> (last accessed 20 May 2026).

²⁰ *ibid.* Maharashtra Forensic Department reported a 22% improvement in efficiency in 2024 compared to 2023.

²¹ *Suresh v. State of Kerala 2025 KER 54366*, Kerala High Court (Division Bench: Justice Raja Vijayaraghavan V. and Justice K.V. Jayakumar), decided 23 July 2025. See LiveLaw, "Police Must Adopt Digital Reforms Brought by BNSS; Use 'E-Sakshya' for Evidence Documentation: Kerala High Court" (26 July 2025) <<https://www.livelaw.in>> (last accessed 20 May 2026).

The case arose from the conviction of the appellant for the murder of the deceased, who had sustained fatal injuries after an alleged fall into a drain. The Court found the investigation "irresponsible and careless": the scene mahazar and site plan were described as "virtually useless," no scientific evidence had been collected, and the investigating officer had failed to produce the victim's own statement recorded in hospital. Critical inconsistencies—including the wound certificate noting "fall from height" rather than a criminal act—raised a reasonable doubt that the conviction could not survive. The Court accordingly acquitted the appellant.²²

What elevates the judgment beyond an individual acquittal is the systemic directions the Court issued. Invoking Sections 105, 176, 180, and 185 of the BNSS, the Bench converted statutory duties into judicially enforceable standards, directing the Kerala Police to integrate audio-visual recording and forensic protocols into daily investigative practice. The Court identified the e-Sakshya platform as the "technological linchpin of the BNSS framework."²³

The significance of the judgment is threefold. First, it establishes that non-compliance with BNSS forensic mandates is not merely an administrative failing—it is a defect capable of vitiating the entire investigation and resulting in acquittal. Second, it gives defence counsel a clear jurisprudential basis to challenge the admissibility and reliability of prosecution evidence where the BNSS forensic protocols have not been followed. Third, it creates an administrative impetus—enforceable by the Court through compliance monitoring—for state police forces to procure body-worn cameras, mobile videography equipment, and forensic laboratory capacity.

B. The Evidentiary Sanction Gap

A doctrinal difficulty that the emerging jurisprudence must confront is the absence of an explicit evidentiary sanction in Section 176(3) for non-compliance. The section creates a duty but does not specify what happens to evidence collected in breach of it. In contrast, the Police and Criminal Evidence Act 1984 of the United Kingdom provides courts with structured discretion to exclude improperly obtained evidence under Section 78, where admission would have an adverse effect on the fairness of proceedings.

Indian law does not yet have a comparable general exclusionary rule. The Supreme Court's approach in cases such as *State of Maharashtra v. Praful B. Desai* and *Selvi v. State of Karnataka* indicates a constitutional sensitivity to the manner of evidence collection, but does not provide a clear framework for exclusion based on investigative non-compliance.²⁴

The authors submit that this gap is constitutionally significant. If Section 176(3) creates a legal duty, and if that duty is breached, a court must have the power to respond meaningfully, whether by exclusion of evidence, adverse inference, or a reduced burden on the defence. The Suresh judgment offers a partial remedy

²²ibid (*Suresh v. State of Kerala*). The Court found the scene mahazar and site plan "virtually useless", no scientific evidence had been collected, and the investigating officer had failed to produce the victim's own statement recorded in hospital.

²³CaseMine, "Suresh v. State of Kerala (2025): Kerala High Court Mandates Audio-Visual Crime-Scene Documentation & Forensic Compliance under the BNSS, 2023" (24 July 2025) <<https://www.casemine.com>> (last accessed 20 May 2026).

²⁴*State of Maharashtra v. Praful B. Desai (2003) 4 SCC 601*; *Selvi v. State of Karnataka (2010) 7 SCC 263*.

in extreme cases of investigative delinquency, but a principled doctrinal basis for judicial response to forensic non-compliance under the BNSS remains to be developed.

V. COMPARATIVE PERSPECTIVES

A. United Kingdom

The United Kingdom's approach to forensic investigation is governed by the Police and Criminal Evidence Act 1984 (PACE) and the associated Codes of Practice, supplemented by the Criminal Procedure and Investigations Act 1996. The Forensic Science Regulator, established under the Forensic Science Regulator Act 2021, imposes a statutory duty on forensic science providers to comply with a Code of Practice, and courts are empowered under Section 78 PACE to exclude evidence obtained in breach of proper procedure.²⁵

The UK model is instructive because it separates the regulatory standard for forensic service providers from the procedural obligation on police officers, enabling each to be enforced independently. The existence of an independent Forensic Science Regulator creates accountability without placing the burden of forensic quality control entirely on courts. India's BNSS and NFIES scheme together approximate this dual-track structure, but the absence of an independent forensic regulator with statutory enforcement powers leaves a significant institutional gap.

B. United States

In the United States, the landmark 2009 National Academy of Sciences report *Strengthening Forensic Science in the United States: A Path Forward* identified systemic deficiencies in crime laboratories across the country, including lack of standardisation, inadequate funding, and insufficient oversight.²⁶ The federal government responded with the creation of the National Commission on Forensic Science (2013–2017) and the development of Forensic Science Standards through the Organisation of Scientific Area Committees (OSAC) under the National Institute of Standards and Technology (NIST).

The American experience underscores the importance of standardisation. In India, the absence of a national forensic science standard equivalent to OSAC standards means that the quality of forensic evidence will vary significantly across States and laboratories. The NFIES scheme funds new CFSLs and strengthens the National Forensic Sciences University (NFSU), but it does not yet establish a national forensic standards framework.

²⁵Police and Criminal Evidence Act 1984 (UK), s. 78; Forensic Science Regulator Act 2021 (UK), s. 2. The Regulator's Code of Practice is available at last accessed 20 May 2026).

²⁶National Academy of Sciences, *Strengthening Forensic Science in the United States: A Path Forward* (National Academies Press 2009).

C. Australia

Australia's approach is notable for its emphasis on accreditation and inter-laboratory consistency. The National Association of Testing Authorities (NATA) accredits forensic laboratories against international standards, and the National Institute of Forensic Science (NIFS) coordinates research and capacity building across jurisdictions.²⁷

The Australian model is relevant to India because it addresses the challenge of federal diversity—multiple states with uneven capacity—through an accreditation framework that creates convergence without legislative uniformity. India's NFIES provision for a State Government to utilise forensic facilities of another State until local capacity is developed is an acknowledgment of this reality, but it does not resolve the underlying incentive problem: States with poor forensic capacity have no enforceable obligation to develop it within any specified period.

VI. CONCLUSIONS AND REFORM PROPOSALS

Section 176(3) of the BNSS is among the most significant reforms to India's criminal investigative architecture since the CrPC was enacted in 1973. By converting forensic investigation from a discretionary police practice into a positive legal duty, it positions scientific evidence at the centre of serious criminal cases. Together with the digital evidence provisions of the Bharatiya Sakshya Adhiniyam, 2023, it creates the framework for a modern, evidence-driven criminal justice system. Yet the mandate's potential can only be realised if the institutional conditions for its implementation are met.

First, legislative clarification is required to resolve the ambiguity in the five-year notification mechanism. Parliament should specify that State Governments must notify an implementation date within three years, that such date may not exceed the five-year period, and that in the interim, the duty to make forensic facilities available from another State is immediately operative and enforceable by mandamus.

Second, the absence of an explicit evidentiary sanction for non-compliance must be remedied. The authors recommend a provision modelled on Section 78 of the UK Police and Criminal Evidence Act 1984, giving courts discretion to exclude prosecution evidence obtained in material breach of Section 176(3), subject to a proportionality analysis.

Third, the National Forensic Infrastructure Enhancement Scheme must be accompanied by binding timelines, independent audit, and inter-state coordination. India requires a National Forensic Regulatory Authority with statutory powers to set minimum standards for FSLs, accredit laboratories, and monitor compliance—analogue to the Forensic Science Regulator in the United Kingdom and the NATA framework in Australia.

²⁷National Association of Testing Authorities, Australia, "Forensic Science" <<https://www.nata.com.au>>; National Institute of Forensic Science (ANZPAA NIFS) <<https://www.anzpaa.org.au/forensic-science>> (both last accessed 20 May 2026).

Fourth, the equality dimension of the forensic mandate requires constitutional attention. A statutory duty that is operational in Maharashtra but not in Bihar, or in metropolitan police stations but not in rural ones, creates differential protection under the criminal law that may not survive scrutiny under Articles 14 and 21 of the Constitution. The Union Government should exercise its concurrent list powers under Entry 2, List III to establish baseline forensic standards applicable across all States.

Fifth, the judiciary's supervisory role, as illustrated by the Kerala High Court's direction in *Suresh v. State of Kerala*, should be institutionalised. High Courts could, under Article 227 of the Constitution, establish compliance committees to receive reports from State Police Headquarters on the progressive implementation of Section 176(3).

The *Suresh* judgment is a harbinger: it demonstrates that courts will not indefinitely tolerate a gap between the statutory promise of scientific investigation and the reality of careless, confession-dependent policing. The BNSS has sounded the legislative trumpet; it now falls to the executive, the judiciary, and the forensic science community to ensure that the march it has announced is actually completed.

