

DNA Technology Regulation Bill - 2018

What is the issue?

\n\n

\n

- The DNA Technology (Use and Application) Regulation Bill, 2018 has been introduced in the Parliament recently.

\n

- While it intends to create a national DNA database for solving crimes, there are multiple flaws in the bill that need rectification.

\n

\n\n

What are the risks regarding the bill?

\n\n

\n

- Although DNA can be an important tool here, it is important that there are safeguards to protect human rights and prevent miscarriages of justice.

\n

- Using DNA effectively during criminal investigations requires proper crime scene examination, and trained and reliable policing.

\n

- Further, a trusted chain of custody of samples, reliable analysis, and proper use of expert evidence in court are also vital for DNA based investigations.

\n

- Without these, a DNA database will exacerbate problems in criminal investigations due to “false matches or misinterpretation or planting of evidence, and diverting resources”.

\n

\n\n

What are the key features of the bill?

\n\n

\n

- **Procedures** - “Home Ministry” recently circulated a set of guidelines on how to search crime scenes and collect, store and transport DNA samples.

- \n
- But considering the lack of expertise within our police departments and the carefree attitude for procedural compliances, there are imminent risks.
- \n
- **Accreditation** - As many errors occur before samples get to the laboratory, there is a requirement quality assurance in the bill.
- \n
- Consideration should be given to an independent forensic science regulator, who should oversee the certification for preventing contamination.
- \n
- **Regulator** - The Bill's proposed "DNA Regulatory Board" is too powerful and seems insufficiently transparent or accountable.
- \n
- Hence, these needs to be fixed and an independent ethics board should be set up to rule on aspects of privacy and other moral concerns.
- \n
- **Safeguards** - The Bill allows for involuntary collection of DNA samples from suspects of criminal cases with certain restrictions.
- \n
- Further, if it is only a case of minor offence, then a magistrate order is required before DNA samples are collected.
- \n
- Also, the Bill does have provisions for the destruction of DNA samples and removal of innocent people's DNA profiles from the database.
- \n
- However, these provisions are inadequate as, the removal of innocent people's records has not been stated to be automatic.
- \n

\n\n

Is the proposed setup cost effective?

\n\n

- \n
- It has been budgeted to allocate a onetime Rs. 20 crore for setting up the database and Rs. 5 crore for its annual maintenance, but this is a pittance.
- \n
- Estimates have it that it would cost a lot more to keep the database live and operational and a prudent cost analysis hasn't been done yet.
- \n
- Further, other international experiences show that the success of a DNA database is driven primarily by the number of crime scene documented.
- \n
- But the proposed bill seems to want to create a database that is intensive on

the number of DNA profiles of individuals rather than crime scenes.

\n

- Notably, creating large databases is often not a cost-effective way to solve more crimes, and limited resources must be targeted effectively.

\n

\n\n

\n\n

Source: The Hindu

\n

