

DNA Technology (Use and Application) Regulation Bill

Why in news?

The Cabinet has cleared the DNA Technology (Use and Application) Regulation Bill, 2018 once again, for its re introduction in Parliament.

What is the need?

- To create a **regulatory framework for obtaining, storing and testing of DNA samples** of human beings, mainly for the purposes of **criminal investigations**, and with the objective of establishing the identity of a person.
- The proposed law seeks to bring in a **supervisory structure** so that the DNA technology is not misused.

What are the provisions of the Bill?

- The Bill regulates the use of DNA technology for **establishing the identity of persons** in respect of matters listed in a Schedule. These include,
 1. Criminal matters (offences under the IPC, 1860)
 2. Civil matters (parentage disputes, transplantation of human organs etc).
- The Bill **establishes National and Regional DNA Data Banks**. Every Data Bank will maintain the following indices:
 1. crime scene index
 2. suspects' or undertrials' index,
 3. offenders' index
 4. missing persons' index, and
 5. unknown deceased persons' index.
- It **establishes a DNA Regulatory Board**. Every DNA laboratory that analyses a DNA sample to establish the identity of an individual, has to be accredited by the Board.
- **Written consent is required** from individuals to collect DNA samples from them.
- **Consent is not required** for offences with punishment of more than 7 years of imprisonment or death.
- It also provides for the **removal of DNA profiles** of suspects on filing of a police report or court order, and of undertrials on the basis of a court order.
- Profiles in the crime scene and missing persons' index will be removed on a

written request.

What are all the issues with this bill?

- **Clarity** - The Schedule lists civil matters where DNA profiling can be used. This includes issues relating to establishment of individual identity.
- So, it is unclear if it intends to regulate the medical or research laboratories where the DNA testing is carried out.
- **Consent** - The Bill hasn't specified for any requirement of the consent of the individual when DNA profiling is used in civil matters.
- **Privacy** - DNA laboratories are required to share DNA data with the Data Banks.
- It is unclear whether DNA profiles for civil matters will also be stored in the Data Banks which may violate the right to privacy.
- **Removal** - The Bill specifies the process by which DNA profiles may be removed from the Data Banks.
- However, the Bill does not require DNA laboratories to remove DNA profiles.

Source: The Indian Express, PRS India

