# DNA Technology Regulation Bill - 2018

## What is the issue?

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- The DNA Technology (Use and Application) Regulation Bill, 2018 has been introduced in the Parliament recently.
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- While it intends to create a national DNA database for solving crimes, there are multiple flaws in the bill that need rectification.
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## What are the risks regarding the bill?

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- Although DNA can be an important tool here, it is important that there are safeguards to protect human rights and prevent miscarriages of justice.
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- Using DNA effectively during criminal investigations requires proper crime scene examination, and trained and reliable policing.
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- 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.
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- Without these, a DNA database will exacerbate problems in criminal investigations due to “false matches or misinterpretation or planting of evidence, and diverting resources”.
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## What are the key features of the bill?

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

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

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- 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.
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- 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.
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- Further, other international experiences show that the success of a DNA database is driven primarily by the number of crime scene documented.
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- 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.
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- Notably, creating large databases is often not a cost-effective way to solve more crimes, and limited resources must be targeted effectively.
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**Source: The Hindu**

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