# 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 andmissing 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**

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