



Decoding the DNA Bill

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Highlights

- The DNA Technology (Use and Application) Regulation Bill, 2018 has been introduced in India's Parliament this week, with a view to creating a national DNA database for solving crimes and identifying missing persons.
- Although DNA can be an important tool here, it is important that there are safeguards to protect human rights and prevent miscarriages of justice.

Critical analysis

- Further, creating large databases is often not a cost-effective way to solve more crimes, and limited resources must be targeted effectively.
- First, using DNA effectively during criminal investigations requires proper crime scene examination, trained and reliable policing, a trusted chain of custody of samples, reliable analysis, and proper use of expert evidence in court.
- Without these prerequisites, a DNA database will exacerbate rather than solve problems in the criminal justice system (false matches or misinterpretation or planting of evidence, and diverting resources).
- The Home Ministry circulated a set of guidelines to States in July on how to search crime scenes and collect, store and transport DNA samples in criminal cases.
- However, it is not yet clear whether these guidelines will be effective as bill should include quality assurance for crime scene examination.
- The Bill's proposed DNA Regulatory Board is still too powerful and insufficiently transparent or accountable.
- An independent ethics board should be set up.
- Provisions which give the government or the Board the power to amend aspects of the safeguards in the Bill, and to avoid accountability in court, should be deleted.
- Any international sharing of DNA profiles should also be covered by a privacy or data protection law, and meet international human rights standards.
- More detail is also needed to specify that volunteers must be fully informed about future storage and uses of their genetic information before they give consent.
- The Bill allows two categories of persons to have their DNA collected without consent and their DNA profiles added to the database. These are persons suspected of any offence, where an order is made by a magistrate, and persons suspected of more serious offences, where an order from a magistrate is not required.
- Who should be included in the database, and whether a court should always have a say, is an important matter for national debate.

However, there is no attempt to assess the cost effectiveness of these provisions or to estimate the database's likely size. International evidence shows that the success of a DNA database is driven primarily by the number of crime scene DNA profiles loaded on to it, not by the number of DNA

profiles from individuals, so proper crime scene analysis should be the top priority.

In short, important safeguards and a cost-benefit analysis are still lacking for this Bill, which needs full parliamentary scrutiny.

Source: [The Hindu](#)

