



Concerns Over DNA Bill, 2019

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Why in News

Recently, the **Parliamentary Standing Committee** on Science and Technology, Environment, Forests and Climate Change has recommended that the **government should address the concerns raised** over the **DNA Technology (Use and Application) Regulation Bill, 2019**, including over creation of a **national databank** of crime scene DNA profiles and fears of communities being targeted.

While the Bill speaks of regional databanks apart from a central one, the **Parliamentary Standing Committee strongly recommends only one National Data Bank**, to minimise chances of misuse of data.

Key Points

- **DNA Technology (Use and Application) Regulation Bill, 2019 (Key Provisions):**
 - The Bill allows the use of the technology to establish the identity of persons in matters of crime, parentage dispute, **emigration or immigration** and **transplantation of human organs**.
 - It provides for **establishment of national and regional DNA (Deoxyribonucleic Acid) data banks** and each databank will maintain **crime scene index, suspects' or undertrials' index and offenders' index** separately.
 - The Bill talks of a **DNA Regulatory Board** that would advise the Centre and state governments on issues such as setting up of DNA laboratories and databanks; and laying down of guidelines, standards and procedures for the same.

- **Concerns Raised by the Committee:**

- **Over DNA Databanks:** The risk with a national databank of crime scene DNA profiles is that it **will likely include virtually everyone since DNA is left at the 'crime scene' before and after the crime by several persons** who may have nothing to do with the crime being investigated.

- **Over DNA Profiling:** The **DNA profiling** to be done under this Bill **can be misused to target different segments of the society** based on factors like religion, caste or political views.

DNA profiling is the process where a specific DNA pattern, called a profile, is obtained from a person or sample of bodily tissue.

- **Storage of DNA Profiles of Unconvicted Persons:**

- The Bill proposes to store DNA profiles of suspects, undertrials, victims and their relatives for future investigations.
- The Bill also provides that DNA profiles for civil matters will also be stored in the data banks, but without a clear and separate index.
- The committee has questioned the necessity for storage of such DNA profiles, pointing out that this violates the **fundamental right to privacy** and does not serve any public purpose.

- **Perfunctory Consent:**

- The Bill refers to consent in several provisions, but in each of those, **a magistrate can easily override consent**, thereby in effect, making consent perfunctory.
- There is also no guidance in the Bill on the grounds and reasons of when the magistrate can override consent.

- **Absence of Robust Data Protections:**

It has **questioned the security of a huge number of DNA profiles** that will be placed with the National DNA Data bank.

- **Need of the Bill:**

- **Greater Demand for Testing:**

- DNA testing is currently being done on an extremely limited scale in India, with approximately 30-40 DNA experts in 15-18 laboratories undertaking less than 3,000 cases per year, which represent 2-3% of the total need.
- The standards of the DNA testing laboratories are not monitored or regulated, in absence of any proper regulation.

- **Enables Identification of Missing Persons:**

- As per the **National Crime Records Bureau**, annually 1,00,000 children go missing.
- The Bill will also help in identifying unidentified deceased, including disaster victims and apprehend repeat offenders for heinous crimes such as rape and murder.

- **Global Scenario Regarding DNA Profiling:**
 - According to the **USA Interpol's Global DNA Profiling Survey Results 2016**, as many as 69 countries have a national DNA database, including the USA, Canada and China.
 - **The countries hold genetic information of at least 35,413,155 individuals.**
 - Different countries have different regulations for collection, removal and retention of DNA samples.
 - **Declaration on Human Genetic Data**, which was adopted unanimously at **UNESCO's 32nd General Conference** in 2003, aims to ensure the respect of human dignity and protection of human rights and fundamental freedom in collection, processing, use and storage of human genetic data and biological samples.
- **DNA Profiling and Genome India Project (GIP):**
 - Recently, the Ministry of Science and Technology also approved an ambitious gene-mapping project called the **Genome India Project (GIP)** which aims to sample and sequence 10,000 genomes in the first phase from across India, to arrive at a representative Indian genome.
 - **Gene Mapping** is different from DNA profiling as DNA profiling **uses small stretches of DNA** to identify an individual while gene mapping involves sequencing the whole genome.
 - Gene Mapping is done for scientific and medical uses while DNA profiling is done primarily for forensic and criminal investigation.

Way Forward

- The Committee recommends an **enabling ecosystem must be created** soon to ensure that DNA profiling is done in a manner that is fully consistent with the letter and spirit of various Supreme Court judgments and with the Constitution.
- Prior adoption of a privacy or **data protection bill** would allow individuals some recourse if their rights were not protected. This is particularly important, especially following the Supreme Court's **Right to Privacy** judgment.

Source: IE