



Concerns Over DNA Bill, 2019

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.

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