

The identity puzzle: DNA Bill

The Law Commission of India submitted a draft of the [DNA Based Technology \(Use and Regulation\) Bill, 2017](#) to the government in July. Given that there are no appropriate legal mechanisms with regard to identifying missing persons, victims of disasters, etc., the DNA Bill seeks to regulate human DNA profiling and establish standard procedures for DNA testing.

The draft Bill has substantially modified the earlier Bill and suggested various measures to fortify the use of uncontaminated DNA samples for investigation purposes and for identifying missing persons.

The salient features of the recommendations include the constitution of a statutory body called the DNA profiling board and a DNA data bank. The profiling board will undertake functions such as laying down procedures and standards to establish DNA laboratories and granting accreditation to such laboratories, and advising the concerned Ministries/ departments of the Central and State governments on issues relating to DNA laboratories. It will also be responsible for supervising, monitoring, inspecting and assessing the laboratories.

The Board will frame guidelines for training the police and other investigating agencies dealing with DNA-related matters.

Its functions also include giving advice on all ethical and human rights issues relating to DNA testing in consonance with international guidelines. It will recommend research and development activities in DNA testing and related issues. DNA profiling will be undertaken exclusively to identify a person and will not be used to extract any other information.

The Bill has also recommended the setting up of a DNA data bank both nationally and on a regional basis in the States. The data bank will primarily store DNA profiles received from the accredited laboratories and maintain certain indices for various categories of data such as crime scene index, suspects index, offenders index, missing persons' index and unknown deceased persons' index with a view to assisting families of missing persons on the basis of their bodily samples and substances. Strict confidentiality will be maintained with regard to keeping records of DNA profiles and their use.

The DNA profiles shall be shared with and by foreign governments or government organisations or agencies only for the purposes enumerated in the Act.

Violators of the provisions will be liable for punishment of imprisonment which may extend up to three years and also a fine which may extend up to 2 lakh.

The new U.S. Fed Chairman is unlikely to opt for policies that might upset the President's plan

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