

DRAFT
DNA PROFILING
BILL 2007

Contents

CHAPTER	TITLE	PAGE
I	Preliminary (Section 1)	5
II	Definitions (Section 2)	5 - 9
III	DNA Profiling Board, its constitution, Powers and Functions (Sections 3-13)	9 - 16
IV	Approval of DNA Laboratories (Sections 14 – 18)	16 - 18
V	Standards, Quality Control, Quality Assurance and obligations of DNA Laboratory (Sections 19 – 28)	18 - 20
VI	Infrastructure and Training for DNA Laboratory (Sections 29 – 32)	20 - 21
VII	DNA Data Bank (Sections 33-37)	21 - 23
VIII	Confidentiality, Access to DNA Profiles, Samples and Records (Sections 38 – 44)	23 - 26
IX	Offences and Penalties (Sections 45 – 49)	26 - 28
X	Miscellaneous (Sections 50 – 60)	28 – 34
	Schedules	35 - 36

DNA PROFILING BILL, 2007

INTRODUCTION

The Deoxyribose Nucleic Acid (DNA) analysis of body substances is a powerful technology that makes it possible to determine whether the source of origin of one body substance is identical to that of another, and further to establish the biological relationship, if any, between two individuals, living or dead without any doubt. With **the objective** to enhance protection of people in the society and administration of justice, analysis of DNA found at the scene of crime, of the victim or offender has been used to establish identity. The DNA analysis offers sensitive information which, if, misused can cause harm to person or society. There is, thus, need to regulate the use of DNA Profiles through an Act passed by the Parliament only for Lawful purposes of establishing identity in a criminal or civil proceeding and for other specified purposes.

In order to achieve this objective, it will be essential to establish standards for laboratories, staff qualifications, training, proficiency testing, collection of body substances, custody trail from collection to reporting and a Data Bank with policies of use and access to information therein, its retention and deletion. DNA Data Bank Manager **will** supervise, execute and maintain this system and a DNA Profiling Board of eminent scientists, administrators and Law enforcement officers **will** administer and carry out other functions assigned to it under this Act. The proposed Legislation, therefore, be enacted keeping the above objectives in view.

DNA PROFILING BILL, 2007

A BILL

To regulate the use of Deoxyribose Nucleic Acid (DNA) analysis of body substance profiles and making provision for establishment of DNA Profiling Board consisting of eminent scientists, administrators, law enforcement officers, etc. to lay down standards for laboratories, collection of body substances, custody trail from collection to reporting and establishment of a databank and to create policies for use and access to information from such data bank, appointment of a DNA Databank Manager to supervise, execute and maintain the databank, etc. and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows: -

CHAPTER-I

PRELIMINARY

1. Short title, extent and commencement

- (a) This Act may be called the DNA Profiling Act, **2007**.
- (b) It extends to the whole of India except the State of Jammu and Kashmir.
- (c) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

CHAPTER-II

DEFINITIONS

- 2. (1) In this Act, unless the context otherwise requires, -
 - (i) “administrative review” means an evaluation of a report and support documentation for consistency with laboratory procedures;
 - (ii) “analytical procedure” means an orderly step by step procedure designed to ensure operational uniformity;
 - (iii) “audit” means an inspection used to evaluate, confirm or verify activity related to quality;
 - (iv) “calibration” means the set of operations which establish, under specified conditions, the relationship between values indicated by a measuring instrument or measuring system, or values represented by a material, and the corresponding known values of a measurement;
 - (v) “convict” means a person convicted of an offence;
 - (vi) “corrective action” means an action taken towards correction of a non-conformity;
 - (vii) “crime scene index” means an index of DNA profiles derived from forensic material found;
 - (a) at any place (whether within or outside India) where a specified offence was, or is reasonably suspected of having been, committed; or
 - (b) on or within the body of the victim, or a person reasonably suspected of being a victim, of an offence, or
 - (c) on anything worn or carried by the victim at the time when an offence was, or is reasonably suspected of having been, committed;

or

(d) on or within the body of any person, on any thing, or at any place, associated with the commission of a specified offence;

- (viii) "DNA" means Deoxyribose Nucleic Acid;
- (ix) "DNA Data Bank" means a computerized and consolidated DNA profile storage and maintenance facility;
- (x) "DNA data base" means a data base whether in computerized or other form, containing the indices mentioned under sub section (4) of section 33;
- (xi) "Data Bank Manager" means the person responsible for supervision, execution and maintenance of the DNA Databank;
- (xii) "DNA laboratory" means any laboratory or facility **established by the government or any agency and** authorized by the Central or State Government to perform the DNA analysis;
- (xiii) "DNA procedure" means a procedure to develop DNA profile for identification purposes.;
- (xiv) "DNA profile" means results of analysis of the DNA identification information in a body sample;
- (xv) "DNA Profiling Board" means the Board constituted under sub-section (1) of section 3;
- (xvi) "DNA record" means a record of the identification information derived from the samples by the analysis;
- (xvii) "DNA sample" means biological specimen of any nature that is utilised to conduct DNA analysis, the source and manner of sample collection as specified in Part II of the schedule.
- (xviii) "DNA testing" means the identification and evaluation of biological evidence using DNA technologies for use in civil or criminal matters;
- (xix) "Intimate body sample" means a sample of blood, semen or any other tissue, fluid, urine, or pubic hair, a dental impression; or a swab taken from a person's body orifice other than mouth;
- (xx) "Intimate forensic procedure" means the following forensic procedures, namely :-

- (a) an external examination of the genital or anal area, the buttocks and also breasts in the case of a female breast;
- (b) the taking of a sample of blood;
- (c) the taking of a sample of pubic hair;
- (d) the taking of a sample by swab or washing from the external genital or anal area, the buttocks and also breasts in the case of a female;
- (e) the taking of a sample by vacuum suction, by scraping or by lifting by tape from the external genital or anal area, the buttocks and also breasts in the case of a female;
- (f) the taking of a dental impression;

(g) the taking of a photograph or video recording of, or an impression or cast of a wound from, the genital or anal area, the buttocks and also breasts in the case of a female.

(xxi) “known samples” are biological materials whose identity or type is established;

(xxii) “laboratory support personnel” includes every individual who performs laboratory duties and does not analyze evidence samples;

(xxiii) “missing person index” means an index of DNA profiles derived from forensic material taken from--

(a) the persons who are missing; and

(b) the volunteers who are relatives of missing persons;

(xxiv) “DNA Index System” means DNA Index System for the country;.

(xxv) “non-intimate body sample” means--

(a) a sample of hair other than pubic hair;

(b) a sample taken from a nail or from under a nail;

(c) swab taken from any part of person’s body including mouth, but not any other body orifice;

(d) saliva, buccal swab;

(e) a skin impression being any record (other than a fingerprint) which is a record (in any form and produced by any method) of the skin pattern and other physical characteristics or features of the whole or any part of a person’s body

(xxvi) “non-intimate forensic procedure” *means* --

(a) an examination of a part of the body other than the genital or anal area, the buttocks and also breasts in the case of a female, that requires touching of the body or removal of clothing;

(b) the taking of a sample of hair other than pubic hair;

(c) the taking of a sample from a nail or under a nail;

(d) the taking of buccal swab with consent;

(e) the taking of a sample by swab or washing from any external part of the body other than the genital or anal area, the buttocks and also breasts in the case of a female;

(f) by scraping or by lifting by tape from any external part of the body other than the genital or anal area, the buttocks and also breasts in the case of a female;

(g) the taking of a handprint, fingerprint, footprint or toe print; the taking of a photograph or video recording of, or an impression or cast of a wound from, a part of the body other than the genital or anal area, the buttocks and also breasts in the case of a female.

(xxvii) “offender” means a person who has been convicted of or an undertrial charged with a specified offence;

(xxviii) “offenders’ index” means an index of DNA profiles from known

samples of body substances taken from offenders;

(xxix) “person designated” means any person concerned with the investigation of crimes specially authorized by the Central or State Government or any police officer not below the rank of sub-inspector to collect DNA samples from offenders;

(xxx) “post conviction period” means the period after conviction of any **person**;

(xxxi) “proficiency testing” means a quality assurance measure used to monitor performance and identify areas in which improvement may be needed, and includes (i) internal proficiency test which is prepared and administered by the laboratory; and (ii) external proficiency test, which may be open or blind, and which is obtained from a second agency;

(xxxii) “review” means an evaluation of documentation to check for consistency, accuracy, and completeness;

(xxxiii) “quality assurance” means and includes the systematic actions necessary to demonstrate that a product or service meets specified requirements for quality;

(xxxiv) “Schedule” means the Schedule to this Act

(xxxv) “quality manual” is a document to specify the quality procedures, quality systems and practices of an organization relating to standards, quality control and quality assurance.

(xxxvi) “suspect” means a person suspected of having committed an offence;

(xxxvii) “quality system” is the organizational structure, responsibilities, procedure, process and resources for implementing quality management;

(xxxviii) “specified offence” means murder, rape, sexual assault, abduction or any other offence specified in the Schedule.

(xxxix) “suspects’ index” means an index of DNA profiles derived from forensic material lawfully taken from suspects.

(xxxx) “undertrial” means a person against whom a criminal proceeding is pending in a Court of Law;

(xxxxi) “unknown deceased persons’ index” means an index of DNA profiles derived from forensic material of deceased persons whose identities are not known;

(xxxxii) “validation” means process by which a procedure is evaluated to determine its efficacy and reliability for casework analysis and includes-

(a) developmental validation, being the acquisition of test data and determination of conditions and limitations of a new or novel DNA methodology for use on case samples;

(b) internal validation, being an accumulation of test data within the laboratory to demonstrate that the established methods and procedures performed as expected in the laboratory;

(xxxxiii) “volunteer” means a person who volunteers to undergo a DNA procedure and in case of a child or incapable person a parent or guardian

agreeing to submit the child or the incapable person to undergo a DNA procedure;

(xxxxiv) 'volunteers' index' means an index of DNA profile derived from body samples taken from suspects;

(xxxxv) all other words and expressions used and not defined in this Act shall have the meaning as in general applicability and/or shall have the meaning assigned to them in the Indian Evidence Act, 1872 or any other law for the time being in force.

CHAPTER III

DNA PROFILING BOARD, ITS CONSTITUTION, POWERS AND FUNCTIONS

3. Constitution of DNA Profiling Board

- (1) The Central Government may, by a notification in the Official Gazette, constitute a Board to be called the DNA Profiling Board to discharge the functions, and perform the duties, assigned to it by or under this Act.
- (2) The head office of the DNA Profiling Board shall be at the Centre for DNA Fingerprinting and Diagnostics, Hyderabad.
- (3) The DNA Profiling Board may establish offices at other places in India.

4. Composition of DNA Profiling Board

The DNA Profiling Board shall consist of the following members appointed by the Central Government from amongst persons of ability, integrity and standing who have knowledge or experience in DNA profiling including molecular biology, human genetics, population biology, bioethics, social sciences, law and criminal justice or any other discipline which would, in the opinion of the Central Government, be useful to DNA Profiling, namely .

- | | |
|---|--------------------|
| (a) a Renowned Molecular Biologist
to be appointed by the Central Government | Chairperson |
| (b) Secretary, Ministry of Law and Justice,
or his nominee | ex-officio Member; |
| (c) Chairman, Bar Council of India, New Delhi
or his nominee | ex-officio Member; |
| (d) Vice Chancellor, NALSAR University of Law,
Hyderabad | ex-officio Member; |
| (e) Director, Central Bureau of Investigation
or his nominee | ex-officio Member; |
| (f) Chief Forensic Scientist, Directorate of
Forensic Science, Ministry of Home Affairs, | |

- New Delhi ex-officio Member;
- (g) Director, National Crime Records Bureau, New Delhi ex-officio Member;
- (h) Director, National Institute of Criminology and Forensic Sciences, New Delhi ex-officio Member;
- (i) a Forensic DNA Expert to be nominated by Secretary, Ministry of Home Affairs, New Delhi, Government of India Member;
- (j) a DNA Expert from All India Institute of Medical Sciences, New Delhi to be nominated by its Director, Member;
- (k) a Population Geneticist to be nominated by the President, Indian National Science Academy, New Delhi Member;
- (l) an Expert to be nominated by the Director, Indian Institute of Science, Bangalore Member;
- (m) Director, National Accreditation Board for Testing and Calibration of Laboratories, New Delhi ex-officio Member;
- (n) Director, Centre for Cellular and Molecular Biology, Hyderabad ex-officio Member;
- (o) Representative of the Department of Bio-technology, Government of India, New Delhi to be nominated by Secretary, DBT, Ministry of S&T, Government of India Member;
- (p) The Chairman, National Bioethics Committee of Department of Biotechnology, Government of India, New Delhi ex-officio Member;
- (q) a Social Scientist of National Eminence to be nominated by Secretary, MHRD, Government of India Member;
- (r) four Directors General of Police representing different regions of the country to be nominated by MHA Members;
- (s) two expert Members to be nominated by the Chairperson Members
- (t) Manager, National DNA Data Bank ex-officio Member;
- (u) Director, Centre for DNA and Fingerprinting and Diagnostics (CDFD), Hyderabad ex-officio Member Secretary;

5. Tenure of DNA Profiling Board

- (1) The term of the Chairperson shall not exceed five years and he shall not be eligible for reappointment or extension.
- (2) The term of the members under clauses (i), (j), (k), (l), (o), (q), (r), and (s) of section 4 shall be five years.
- (3) A member nominated under clauses (i), (j), (k), (l), (o), (q), (r), and (s) of section 4 shall not be appointed for more than two consecutive terms.

6. Salary/honorarium and allowances of Chairperson and members

- (1) The salary/honorarium and allowances payable to, and other terms and conditions of service of the Chairperson and the members of the DNA Profiling Board shall be such as may be specified in the rules.
- (2) The members of the DNA Profiling Board shall receive such fee and allowances as may be specified in the rules
- (3) The salary/honorarium, allowances and other conditions of service of the Chairperson and members of the DNA Profiling Board shall not be varied to their disadvantage after appointment.

7. Meetings

- (1) The DNA Profiling Board shall meet at such times and places, and shall observe such procedure in regard to the transaction of business at its meetings (including quorum at such meetings) as may be specified by regulations .
- (2) The Chairperson or, if for any reason, he is unable to attend a meeting of the DNA Profiling Board, any other member chosen by the members present from amongst themselves at the meeting, shall preside over the meeting.
- (3) All questions which come up before any meeting of the DNA Profiling Board shall be decided by a majority votes of the members present and voting, and, in the event of a tie, the Chairperson, or in his absence, the person presiding, shall have a casting vote.
- (4) All orders and decisions of the DNA Profiling Board and all other instruments issued by it shall be authenticated by the signature of the Member-Secretary, or any other Member as may be authorized by the DNA Profiling Board in this behalf.

8. Member not to participate in meetings in certain cases

Any member, who, has any direct or indirect pecuniary interest in any matter coming up for consideration at a meeting of the DNA Profiling Board, shall, as soon as possible after relevant circumstances have

come to his knowledge, disclose the nature of his interest at such meeting and such disclosure shall be recorded in the proceedings of the DNA Profiling Board, and such member shall not take any part in any deliberation or decision of the DNA Profiling Board with respect to that matter.

9. Removal, Resignation and Filling of Vacancy of Chairperson or Member(s) of Board

(1) Removal

The Central **Government** may, by notification and for reasons to be specified therein, remove the Chairperson or Member(s) of the Board before the expiry of term.

(2) Vacation of office by Chairperson or a Member(s)

The office of Chairperson or Member(s) of the Board shall become vacant if :

- i. he is found to be unsound mind by a court of competent jurisdiction;
- or
- ii. he is adjudged an insolvent; or
- iii. he is convicted by a court **for** any offence involving moral turpitude and sentenced in respect thereof.

(3) Filling of Vacancy

If, for reason other than temporary absence, any vacancy occurs in the office of the Chairperson or any member of the DNA Profiling Board, the Central Government shall appoint another person to fill such vacancy in accordance with provisions of this Act.

(4) Resignation of Chairperson or any Member

The Chairperson or any member of the DNA Profiling Board may by writing under his hand to the Central Government, resign from the Board and the vacancy so caused or otherwise shall be filled from the same category by the Central Government.

10. Vacancies not to invalidate proceedings of DNA Profiling Board

No act or proceeding of the DNA Profiling Board shall be invalid merely by reason of

- (a) any vacancy in, or any defect in the constitution of, the DNA Profiling Board; or
- (b) any defect in the appointment of a person acting as a member of the DNA Profiling Board; or
- (c) any irregularity in the procedure of the DNA Profiling Board not

affecting the merits of the case.

11. Powers and functions of the Chief Executive Officer

(1) The DNA Profiling Board shall have a Chief Executive Officer who shall be appointed by the Selection Committee consisting of Chairperson and four other members nominated by the DNA Profiling Board.

(2) The Chief Executive Officer shall be of the rank of Joint Secretary to the Govt. of India and report to the Member Secretary of the DNA Profiling Board.

(3) The Chief Executive Officer appointed under sub-section(1) shall exercise powers of general superintendence over the affairs of the DNA Profiling Board and its day-to-day management under the direction and control of the Member Secretary.

(4) The Chief Executive Officer shall be responsible for the furnishing of all returns, reports and statements required to be furnished, under this Act and any other law for the time being in force, to the Central Government.

(5) It shall be the duty of the Chief Executive Officer to place before the DNA Profiling Board for its consideration and decision any matter of financial importance if the Financial Adviser suggests to him in writing that such matter be placed before the DNA Profiling Board.

12. Secretariat and other staff

(1) The Central Government shall provide the Secretariat of the DNA Profiling Board established at Centre for DNA Fingerprinting and Diagnostics, Hyderabad, with such staff as the DNA Profiling Board considers necessary for effective day to day functioning of the Secretariat.

(2) The Central Government shall provide the required funds for maintaining the secretariat of the DNA Profiling Board, its staff and other expenses related thereto on regular basis.

13. Powers and functions of DNA Profiling Board

(1) The DNA Profiling Board constituted under section 3 of this Act shall exercise and discharge the following powers and functions, namely

(i) advise concerned Ministries and Departments of the Central Government and the State Governments on the size of DNA laboratory, their strategic location, creation of new DNA Laboratories and upgradation of existing DNA Laboratories;

- (ii) make recommendations on quantum of central fund required for creation or upgradation of DNA Laboratories;
- (iii) identify the contribution of participating State Governments for creation of DNA Laboratories;
- (iv) recommend mechanism of providing funds for functioning of DNA laboratories for a specified period;
- (v) advise on planning, organization and management of DNA laboratories and monitor, register and certify all DNA training programmes and recommend programmes that would increase the number of qualified DNA examiners;
- (vi) monitor, regulate, conduct, certify and audit training programmes and be responsible for quality control and assessment of DNA laboratories;
- (vii) frame guidelines for training of manpower and development of training modules;
- (viii) supervise and inspect the equipment and material facilities;
- (ix) make suggestions regarding new research and development activities in DNA profiling and related issues including intellectual property issues;
- (x) authorize communication of DNA profile for crime investigation by law enforcement agencies;
- (xi) make recommendations for maximizing the use of DNA techniques and technologies in administration of justice;
- (xii) identify scientific advances that may assist law enforcement agencies in using DNA techniques to protect the public;
- (xiii) disseminate best practices concerning the collection and analyses of DNA evidence so as to ensure quality and consistency in the use of DNA techniques in administration of justice
- (xiv) give its recommendations in respect of issues pertaining to DNA science as may be referred to it by the Central Government. and act as referral body to resolve such issues;
- (xv) to recommend privacy protection statutes, regulations and practices relating to access to, or use of stored DNA samples or DNA analyses, with a view to ensure that such protections are sufficient;
- (xvi) to make specific recommendations to:
 - (a) ensure the appropriate use and dissemination of DNA information;
 - (b) ensure the accuracy, security and confidentiality of DNA information;
 - (c) ensure the timely removal and destruction of obsolete, expunged

or inaccurate DNA information; and

- (d) take any other necessary steps required to be taken to protect privacy.
- (xvii) provide a forum for the exchange and dissemination of ideas and information in furtherance of the objectives described above;
- (xviii) lay down standards and procedures for establishment and functioning of DNA Data Banks including manpower, infrastructure and other related issues concerning monitoring of **their** performance and activities;
- (xix) sensitize and create awareness among public and other stakeholders including Police, Prosecution, and judiciary;
- (xx) Deliberate and advise on all ethical and Human Rights issues emanating out of DNA profiling in consonance with International guidelines laid down by the United Nations and UNESCO, inter alia, relating to:
 - (a) the rights and privacy of citizen,
 - (b) the issues concerning civil liberties,
 - (c) issues having ethical and other social implications in adoption of DNA profiling technology,
 - (d) professional ethics in DNA profiling,
- (xxi) establish procedure for co-operation in criminal investigation with international agencies;
- (xxii) specify by regulations, the list of offences and the sources of collection of samples in addition to the list contained in the schedule, of which DNA profile will be preserved in the DNA data bank;
- (xxiii) draw guidelines for storage of biological substances, and their destruction;
- (xxiv) perform such other functions as may be assigned to it by the Central Government from time to time.
- (xxv) **Undertake any other activity which in the opinion of the board advances the purposes of this act.**

CHAPTER-IV APPROVAL OF DNA LABORATORIES

14. Prohibition for undertaking DNA procedures

No DNA laboratory shall, undertake any DNA procedures or any procedure related to it, without obtaining approval in writing, from the DNA Profiling Board.

15. Application for obtaining approval for undertaking procedures

(1) Every DNA laboratory shall, for the purpose of undertaking DNA procedures, make an application for approval in such form and manner and along with such fee, as may be specified by regulations, to the DNA Profiling Board.

(2) Every DNA laboratory in existence on the commencement of this Act, before the expiry of six months from such commencement, shall apply in writing to the DNA Profiling Board for obtaining approval under this Act:

Provided that in the case of a DNA laboratory in existence on the commencement of this Act, nothing in section 14, shall be deemed to prohibit such DNA laboratory from undertaking any DNA procedure or any procedure related to it until it is granted approval or is by notice in writing informed by the DNA Profiling Board that the approval cannot be granted to it.

16. Grant of approval

The DNA Profiling Board may, for the purpose of considering the application of a DNA laboratory for grant of approval require to be satisfied by an inspection of DNA laboratory or records or books of such DNA laboratory or otherwise that the conditions, as may be specified by rules had been fulfilled:

Provided that no application for approval under this section shall be rejected unless the applicant has been given an opportunity of being heard.

17. Power of DNA Profiling Board to withdraw approval

(1) The DNA Profiling Board may withdraw approval granted to a DNA laboratory if such DNA laboratory :

- (i) ceases to undertake DNA procedure or any procedure related to it; or
- (ii) has failed to comply with any of the conditions subject to which the approval has been granted to it; or
- (iii) fails:

(a) to comply with provisions of any law for the time being in force or any direction issued by the DNA Profiling Board under the provisions of this Act or direction issued by any other regulatory Authority to DNA laboratory or

(b) to submit or offer for inspection its laboratory or books of account and other relevant documents when so demanded by the officers, persons or agency authorised by the DNA Profiling Board under section 16 of the Act.

(2) Before withdrawing approval granted to a DNA laboratory under this section, the DNA Profiling Board shall grant time to such laboratory on such terms and conditions as the DNA Profiling Board may deem appropriate for taking necessary steps, to comply with such directions or provisions or for fulfillment of such conditions, within such time:

Provided that if the DNA Profiling Board is of the opinion that the delay in withdrawing approval of such laboratory shall be prejudicial or detrimental to the public interest, the DNA Profiling Board may suspend the approval forthwith, pending final decision on such withdrawal.

(3) No order of withdrawal of approval granted to a DNA laboratory shall be made by the DNA Profiling Board unless such laboratory has been given an opportunity of being heard.

Provided further this subsection shall not apply where the Board is satisfied, in public interest, for the reasons to be recorded in writing, it is neither desirable nor necessary to issue any such notice.

18. Appeal against cancellation of certificate of registration

1. A DNA laboratory aggrieved by the order of withdrawal of approval under section 17, may prefer an appeal to the Central Government or such other authority as the Central Government may, by notification specify, within a period of thirty days from the date on which such order of withdrawal, as the case may be, is communicated to such laboratory.

2. The decision of the Central Government or the authority referred to in sub-section (1) where an appeal has been preferred to it under sub-section (1) or of the DNA Profiling Board where no such appeal has been preferred, shall be final:

Provided that before making any order on an appeal, the applicant DNA laboratory, shall be given an opportunity of being heard.

CHAPTER-V

STANDARDS , QUALITY CONTROL, QUALITY ASSURANCE OBLIGATIONS OF DNA LABORATORY

19. Obligations of DNA laboratory

Every DNA laboratory which has been granted approval for performing DNA analysis for the purpose of this Act, shall :

- (i) follow such standards for quality assurance for DNA testing as may be specified by regulations;
- (ii) establish and maintain a documented quality system as may be specified by regulations;
- (iii) prepare quality manual specifying details relating to :
 - (a) minimum goals and objectives;
 - (b) organization and management;
 - (c) qualifications and training of personnel;
 - (d) facilities in the DNA laboratories;
 - (e) evidence control;
 - (f) validation;
 - (g) analytical procedures;
 - (h) calibration and maintenance;
 - (i) proficiency testing;
 - (j) corrective action;
 - (k) reports;
 - (l) review;
 - (m) safety; and
 - (n) audits.

20. Organizations and management of DNA laboratory

(1) Every DNA laboratory shall have such technical and managerial staff and resources, as may be specified by regulations, required to discharge duties and functions by such technical and managerial staff.

(2) Every DNA laboratory shall be headed by a person possessing educational qualifications of Ph. D Degree in Life Sciences from a recognized university with knowledge and understanding of the foundation of Molecular Genetics as applied to DNA work and such other qualifications

as may be specified by regulations.

21. Qualifications of Staff for DNA Laboratory

(1) The staff of every DNA laboratory shall have such qualifications,, training and experience commensurate with the job requirements as may be specified by regulations.

(2) The Head of every DNA laboratory shall ensure that laboratory personnel keep abreast of developments within the field of DNA, and maintain such records on the relevant qualifications, training, skills and experience of the technical personnel employed in the laboratory as may be specified by regulations.

22. Adequate security and minimize contamination

Every DNA laboratory shall have such facility providing adequate security and minimizing contamination of DNA sample as may be specified by regulations.

23. Evidence control system

Every DNA laboratory shall have and follow a documented evidence control system so as to ensure the integrity of physical evidence as may be specified by regulations.

24. Validation process

(1) Every DNA laboratory shall have a validation process as specified by regulations.

(2) Such validation process shall be carefully controlled and monitored in the manner as may be specified by regulations.

25. Analytical procedures

Every DNA laboratory shall have and follow such written analytical procedures as may be specified by regulations.

26. Preparation of indices

Every DNA laboratory (including laboratory established by the Govt.) shall prepare such indices as may be specified by regulations.

27. Equipment calibration and maintenance

Every DNA laboratory shall use such equipment suitable for the methods employed as may be specified by regulations.

28. Audits

Every DNA laboratory shall conduct audits annually in accordance with the standards as may be specified by regulations.

CHAPTER-VI**INFRASTRUCTURE AND TRAINING FOR DNA LABORATORY****29. Infrastructure for DNA laboratory**

A DNA laboratory shall have such infrastructure as may be specified by regulations.

30. Fee for DNA procedure

A DNA Laboratory shall charge such fee for conducting DNA procedure as may be specified by regulations.

31. Recruitment & Training of DNA laboratory personnel

A DNA Laboratory shall employ such qualified technical personnel as may be specified by regulations. These technical personnel shall undergo regular training in DNA related subjects in such institutions and at such intervals as may be specified by regulations.

32. Security and Safety of Personnel

A DNA laboratory shall have installed appropriate security system and system for safety of personnel as may be specified by regulations.

CHAPTER-VII
DNA DATA BANK**33. Establishment of DNA Data Bank**

(1) The Central Government shall, by a notification published in the Gazette of India, establish a National DNA Data Bank.

(2) A State Government may, by notification in the Official Gazette, establish a State DNA Data Bank.

(3) The National DNA Data Bank shall receive DNA data from State DNA Data Banks and shall store the DNA Profiles received from different laboratories in the format as may be specified by regulations.

(4) Every DNA Data Bank shall maintain following indices for various categories of data, namely:

- (i) a crime-scene index;
- (ii) a suspects' index;
- (iii) an offenders' index;
- (iv) a missing persons' index;
- (v) unknown deceased persons' index;
- (vi) a volunteers' index;
- (vii) such other indices as may be specified by regulations.

(5) The indices established and maintained under sub-section (4) shall include information of DNA identification records and DNA analysis based data prepared by a DNA laboratory duly approved by the DNA Profiling Board under section 16 of the Act in accordance with the standards as may be specified by regulations.

(6) The DNA Data Bank shall contain, in relation to each of the DNA profiles, the following information, namely:

- (i) in case of a profile in the offenders index, the identity of the person from whose body substance or body substances the profile was derived, and
- (ii) in case of all other profiles, the case reference number of the investigation associated with the body substance or body substances from which the profile was derived.

34. Matching of profiles

(1) On receipt of the DNA profile for entry in the DNA Data Bank, the Data Bank Manager shall cause it to be compared with the DNA profiles in the Data Bank in order to determine whether it is already contained in the Data Bank. Thereafter communicate, for the purposes of the investigation or prosecution in a criminal offence, the following information, to any court, tribunal, law enforcement agency or laboratory in India as directed by such authority:

- (i) whether the DNA profile received afresh is already contained in the data bank; and
- (ii) any information, other than the DNA profile itself, that is contained in the data bank in relation to the fresh DNA profile received.

(2) The information as to whether a person's DNA profile is contained in the Data Bank of offenders index may be communicated to an authorized user.

35. Communication of DNA profile to Government of a foreign State etc

(1) The Data Bank Manager may, on the request of a law enforcement agency in the course of the investigation of a specified offence, communicate, with the prior approval of the Central Government, the DNA profile contained in the crime-scene index to the Government of a foreign State, an international organization established by the Governments of States, or an institution of any such Government or international organization, as the case may be.

(2) No person who receives the DNA profile for entry in the DNA Data Bank shall use it or allow it to be used for purposes other than for the administration of this Act.

(3) No person shall, except in accordance with the provisions hereinabove, communicate or authorize communication, or allow to be communicated a DNA profile that is contained in the DNA Data Bank or information that is referred to in sub-section (1) of Section 34

36. Access to Information

(1) Access to the information in the crime scene index shall be restricted, in the manner as may be specified by Rules, if the information relates to a DNA profile derived from body substances of:

(i) a victim of an offence which forms or formed the object of the relevant investigation, or

(ii) a person who has been eliminated as a suspect in the relevant investigation.

(2) The information in the offenders' index pertaining to a convict shall be kept on a permanent basis subject to sub **section** 3 of this section.

(3) The information in the offenders' index shall be removed permanently without delay, when the person in respect of whom the information is kept in offenders index, is finally acquitted of the charge against him or when the conviction for an offence of a person to whom information relates is quashed and a final acquittal is effected after the final appeal.

37. Expunge of records

The Data Bank Manager shall, on receiving a certified copy of the order of the court that has become final establishing that the conviction of a person included in the DNA data bank has been set aside, expunge forthwith the DNA analysis of such person from the DNA index.

Explanation:- For the purposes of this section, a court order is not 'final' till the expiry of the period of limitation for filing an appeal, or revision application, or review if permissible under the law, with respect to the order setting aside the conviction.

CHAPTER-VIII
CONFIDENTIALITY, ACCESS TO DNA PROFILES, SAMPLES AND RECORDS

38. Confidentiality, Access to DNA Profiles, Samples and Records

DNA profiles, samples and records forwarded to the Data Bank Manager or DNA laboratory or any other person or authority or in custody of the Data Bank Manager or DNA laboratory or any other person or authority under this Act shall be kept as confidential.

39. Use of DNA profiles, samples and records

(1) All DNA profiles, samples and records shall solely be used for the purpose of facilitating identification of the perpetrator(s) of a specified offence:

Provided that such records or samples may be used to identify victims of accidents, disasters or missing persons or for such other purposes.

(2) Information stored on the DNA data base system may be accessed by the authorized persons for the purposes of :

- (i) forensic comparison permitted under this Act;
- (ii) administering the DNA data base system;
- (iii) accessing any information contained in the DNA database system by law enforcement officers or any other persons, as may be prescribed, in accordance with provisions of any law for the time being in force;
- (iv) inquest or inquiry;
- (v) any other purpose as may be prescribed:

Provided that nothing contained in this section shall apply to information which may be used to determine the identity of any person.

40. Availability of DNA profiles, samples and DNA identification records

The information on DNA profiles, samples and DNA identification records shall be made available only :

- (i) to law enforcement agencies for identification purposes in a criminal case;

- (ii) in judicial proceedings, in accordance with the rules of admissibility of evidence;
- (iii) for facilitating decisions in cases of criminal prosecution;
- (iv) for defense purposes, to a victim or the accused to the extent relevant and in connection with the case in which such accused is charged;
- (v) for population statistics data base, identification, research and protocol development, or for quality control provided that it does not contain any personally identifiable information and does not violate ethical norms, as specified by rules.
- (vi) for any other purposes as specified by rules.

41. Access to information in DNA Data Bank

Access to Information contained in the DNA Data Bank may be granted to :

- (i) any person or class of persons that the Data Bank Manager considers appropriate for the purposes of proper operation and maintenance of the DNA Data Bank; and
- (ii) any person or class of persons that the Data Bank Manager considers appropriate for training purposes.

42. Any person who is authorized to access an index of DNA data base system, for the purpose of including the information of DNA identification records or DNA profile in that index, may also access that index for purposes of carrying out one time key-board search on information obtained from any DNA sample lawfully collected for a criminal investigation purpose, except for a DNA sample voluntarily submitted solely for elimination purposes.

Explanation.-- The expression "one time keyboard search" means a search under which information obtained from a DNA sample is compared with information in the index without resulting in the information obtained from a DNA sample being included in the index.

43. Restrictions on use of information on DNA profiles, samples and data identification records

No person, to whom information is communicated or who has access to information under this Act, shall use that information for any purpose other than the purpose for which the communication or access is permitted under the provisions of the Act.

44. Post-Conviction DNA Testing

Any individual undergoing a sentence of imprisonment or death pursuant to conviction for an offence, may apply to the court which convicted him for an order of DNA testing of specific evidence and the court may order DNA testing of specific evidence if the specific evidence to be tested is in the possession of the Government and has been subjected to a chain of custody and retained under conditions sufficient to ensure that such evidence has not been substituted, contaminated, tampered with, replaced, or altered in any respect to the proposed DNA testing and the court is satisfied that :

- (i) the applicant has asserted on oath that he is actually innocent of the specified offence for which he is under a sentence of imprisonment or death; or
- (ii) the specific evidence to be tested was secured in relation to the investigation or prosecution of the specified offence in respect of which the applicant makes the assertion under (i) above; or
- (iii) the specific evidence to be tested was not previously subjected to DNA testing and the applicant did not, knowingly and voluntarily waive the right to request DNA testing of that evidence in a court proceeding after the date of coming into force of this Act, or
- (iv) the court finds that the applicant failed to request DNA testing of that specific evidence in a prior motion for post conviction DNA testing; or
- (v) the applicant was previously subjected to DNA testing and the applicant is requesting the DNA testing by use of a new method or technology that would provide results that are significant to the identity of the perpetrator or accomplice or have a reasonable probability of contradicting prior results; or
- (vi) the applicant identifies a theory of defense that is not inconsistent with an affirmative defense presented at the trial and would establish the actual innocence of the applicant in respect of the specified offence for which he has made assertion of innocence on oath; or
- (vii) the DNA testing proposed by the applicant is reasonable in its scope, uses scientifically sound methods and is consistent with accepted forensic practices; or
- (viii) in a case where the applicant was convicted following a trial where the identity of the perpetrator was at issue in the trial, the DNA testing proposed by the applicant for testing of the specific evidence may produce new material evidence that would support the theory of defense referred to by the applicant, and raise a reasonable probability that the applicant did not commit the offence; or
- (ix) the applicant undertakes in his application that the applicant will provide a DNA sample for the purposes of comparison.

CHAPTER IX
OFFENCES AND PENALTIES

45. Penalties for unauthorized access or disclosure or use of DNA Data base and forensic material

(1) If any person who, by virtue of employment, or official position or otherwise, has in his possession of, or access to, individually identifiable DNA information contained in the DNA data base or Data bank and who willfully discloses it in any manner to any person or agency not entitled to receive it under this Act or any other law for the time being in force, he shall be punishable with imprisonment for a term which may extend to three years, or with fine not exceeding ten thousands rupees, or with both.

(2) If any person who, without authorization, willfully obtains individually identifiable DNA information from the DNA data base or Data bank, he shall be punishable with imprisonment for a term which may extend to three years, or with fine not exceeding ten thousands rupees, or with both.

(3) Whoever knowingly provides a DNA sample or result thereof in any manner to any person not authorized to receive it or obtains or uses without authorization such sample or result of DNA analysis, he shall be punishable with imprisonment for a term which may extend to three years, or with fine not exceeding ten thousands rupees, or with both.

46. Destruction, alterations, contamination, tampering with biological evidence

Whoever, knowingly and intentionally destroys, alters, contaminates or tampers with biological evidence which is required to be preserved under any law for the time being in force with the intention to prevent that evidence from being subjected to DNA testing or to prevent the production or use of that evidence in a Judicial proceeding, he shall be punishable with imprisonment for a term which may extend to five years, or with fine not exceeding twenty thousands rupees, or with both.

47. Whoever, accesses information stored on the DNA data base system otherwise than in accordance with the provisions of this Act, shall be punishable with imprisonment for a term which may extend to two years, or with fine not exceeding seven thousand five hundred rupees, or with both.

48. Offences by companies/institutions

(1) Where an offence has been committed by a company /institution, every person, who at the time the offence was committed was in charge of, and was responsible to, the company /institution for the conduct of the business of the company /institution, as well as management, the company /institution, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment for the offence, if such person has proved that the offence was committed without his knowledge or that such person had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence has been committed by a company /institution and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company /institution, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation for the purposes of this section,-

(a) “company” means any corporate body and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

49. Cognizance of offences by courts

(1) No court shall take cognizance of any offence punishable under this Act or any **R**ules or **R**egulations made there under, save on a complaint made by the Central Government or its officer or DNA Profiling Board or its officer or any other person authorized by them.

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

CHAPTER X MISCELLANEOUS

50. Chairperson, members, personnel of board to be public servants

The Chairperson, members, officers and other employees of the DNA Profiling Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

51. Protection of action taken in good faith

No suit, prosecution or other legal proceedings shall lie against the Central Government or any officer of the Central Government or any member, officer or other employee of the DNA Profiling Board for anything which is done or intended to be done in good faith under this Act or the rules or regulations made hereunder:

Provided that nothing in this Act shall exempt any person from any suit or other proceedings which might, , be brought against him under any Act other than this Act

52. Delegation of powers

(1) The DNA Profiling Board may, by general or special order in writing, delegate to the Chairperson or any other member or officer of the Board subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act as it may deem necessary.

(2) The DNA Profiling Board may, by a general or special order in writing, also form committees of the members and delegate to them the powers and functions of the Board as may be specified by the regulations.

53. Returns and reports

(1) The DNA Profiling Board shall furnish to the Central Government at such time and in such form and manner as may be specified by rules or as the Central Government may direct, such returns and statements as the Central Government may, from time to time, require.

(2) Without prejudice to the provisions of sub-section (1), the DNA Profiling Board shall, within ninety days after the end of each financial year, submit to the Central Government a report in such form, as may be prescribed, giving a true and full account of its activities, policy and programmes during the previous financial year.

(3) A copy of the report received under sub-section (2) shall be laid, as soon may be after it is received, before each House of Parliament.

54. Power of Central Government to supersede DNA Profiling Board

- (1) If at any time the Central Government is of the opinion,:
- (i) that, on account of circumstances beyond the control of the DNA Profiling Board, it is unable to discharge the functions or perform the duties assigned to it by or under the provisions of this Act; or
 - (ii) that the DNA Profiling Board has persistently defaulted in complying with any direction given by the Central Government under this Act or in the discharge of the functions or performance of the duties assigned to it or in the administration of the provisions of this Act and as a result of such default DNA Profiling Board has suffered; or
 - (iii) that circumstances exist which render it necessary in the public interest to do so;
- the Central Government may, by notification and for reasons to be specified therein, supersede the DNA Profiling Board for such period, not exceeding six months, as may be specified in the notification.

Provided that before issuing any such notification, the Central Government shall give a reasonable opportunity to the DNA Profiling Board to make representations against the proposed supersession and shall consider the representations, if any, of the DNA Profiling Board.

- (2) Upon the publication of a notification under subsection (1) superseding the Board,
- (i) all the members shall, as from the date of supersession, vacate their offices as such;
 - (ii) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Board, shall until the DNA Profiling Board is reconstituted under sub-section (3), be exercised and discharged by such person or persons as the Central Government may direct; and
 - (iii) all property owned or controlled by the Board shall vest in the Central Government until the DNA Profiling Board is reconstituted under sub-section (3).

- (3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may reconstitute the DNA Profiling Board by a fresh appointment and in such case any person or persons who vacated their offices under clause (1) of sub-section (2), shall not be deemed disqualified for appointment:

Provided that the Central Government may, at any time, before the expiration of the period of supersession, take action under this sub-section.

- (4) The Central Government shall cause a notification issued under sub-

section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament at the earliest.

55. Central Government Powers to make Rules

(1) The Central Government shall have the power to take all such measures or issue such directions as it deems necessary or expedient for the purpose of regulation of DNA analysis of body substance and all other incidental and consequential issues.

(2) The Central Government may, by notification, make **Rules** for carrying out the purposes of this Act.

(3) In particular, and without prejudice to the generality of the foregoing power, such **Rules** may provide for all or any of the following matters, namely:

- (i) the conditions to be fulfilled for grant of approval under sub section (1) of section 16, as may be prescribed, had been fulfilled;
- (ii) the manner in which access to the information in the crime-scene index shall be restricted under sub-section(1) of section 36;
- (iii) the admissibility of evidence in judicial proceedings for which the information on DNA profiles, samples and DNA identification records to be made available only under clause (ii) of section 40;
- (iv) ethical norms to be prescribed under clause (v) of section 40
- (v) any other purposes for which access to the information in the crime-scene index shall be made available . under clause (vi) of section 40
- (vi) the form and manner in which and the interval at which the returns and statements and such particulars shall be furnished by the DNA Profiling Board to the Central Government-under sub-section (1) of section 53;
- (vii) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be, or may be, made by rules for carrying out the purposes of this Act.

56. DNA Profiling Board Powers to make Regulations

(1) The DNA Profiling Board may, by notification, make regulations consistent with this Act and the rules made there under to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-

- (i) In conduct of the meeting of the DNA Profiling Board and the

rules of procedure to be observed in regard to the transaction of business at its meetings (including quorum at such meetings) under sub-section (1) of section 7;

(ii) the list of offences in which DNA profile will be preserved in the DNA data bank under clause (xxiii) of sub-section (1) of section 13;

(iii) the form and manner in which an application shall be made for the purpose of undertaking DNA procedures by every DNA laboratory (including a laboratory established by the Government) under sub section(1) of section 15 and fee which shall be paid along with the application under sub section(1) of section 15;

(iv) the standards to be followed for quality assurance for DNA testing under clause (i) of section 19;

(v) a documented quality system to be established and maintained under clause (ii) of section 19;

(vi) the technical and managerial staff and resources required to discharge its duties and functions under sub section (1) of section 20;

(vii) the other qualifications to be possessed by the person heading the DNA laboratory under sub-section (2) of section 20;

(viii) the qualification, training and experience commensurate with the job requirements of the staff of every DNA Laboratory as may be specified under sub section (1) of section 21;

(ix) the records relating to the relevant qualifications, training, skills and experience of the technical personnel employed by it to be maintained by the Data Bank Manager under sub section (2) of section 21;

(x) the facility providing adequate security and minimize contamination of DNA sample as may be specified under section 22;

(xi) the documented evidence control system to be followed by every DNA laboratory under section 23;

(xii) the manner in which the validation process is carefully controlled and monitored by every DNA laboratory under sub section (2) of section 24;

(xiii) the written analytical procedures approved by the laboratory management or technical manager to be followed by every DNA laboratory under section 25;

(xiv) the indices to be prepared under section 26 by every DNA laboratory referred to in that section;

(xv) the methods employed by every DNA laboratory under section 27;

(xvi) the standards in accordance with which audits shall be conducted by every DNA laboratory under section 28 ;

(xvii) the minimum infrastructure which a DNA laboratory shall have under section 29 ; .

(xviii) the fee to be charged for conducting DNA procedure by a DNA Laboratory under section 30;

(xix).the institutions in which the personnel of the DNA laboratory shall undergo regular training in DNA related subjects and the intervals at which such training shall be under taken under section 31;

(xx) the security system to be installed for safety of personnel of the DNA laboratory under section 32;

(xxi) the format in which the National DNA Databank shall receive and store from State DNA data banks under sub section (3) of section33;

(xxii) the other indices to be maintained by every DNA Data Bank under clause (vii) of laboratory under sub-section (4) of section33;

57. Rules and Regulations to be laid before Parliament

Every **R**ule and every **R**egulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree that the **R**ule or **R**egulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that **R**ule or **R**egulation.

58. Bar of jurisdiction

No court or authority shall have, or be entitled to exercise, any jurisdiction, powers or authority, except the Supreme Court and a High Court exercising jurisdiction under articles 32, 226 and 227 of the Constitution, in relation to the matters referred to in sections 14 to 18.

59. Application of other laws not barred

(1)The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

(2) Subject to provisions of sub-section (1) of this section, the provisions of this Act and the Rules made **thereunder** shall have effect notwithstanding anything inconsistent **with the provisions of** any other law for the time being in force.

60. Power to remove difficulties

(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, publish in the Official Gazette, make

such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

2. Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

SCHEDULE

[(See section 2 (XVII), 2(XXXVIII)]

LIST OF OFFENCES AND SOURCE OF COLLECTION OF SAMPLES FOR DNA TEST

PART I : LIST OF OFFENCES

A) Criminal:

- 1) Body offences
- 2) Murder (Homicide)
- 3) Assault
- 4) Local and special laws, offences relating to dowry
- 5) Miscarriage or therapeutic abortion
- 6) Sexual offences:
 - a. Rape
 - b. Unnatural offences
 - c. Sexual perversions
 - d. Product of conception
- 7) Other criminal offences
 - a. Kidnapping and abduction
 - b. Prostitution
- 8) Abandonment of children
 - a. Exchange of babies
 - b. Defamation, frauds and forgeries
 - c. Missing individuals/babies
- 9) Mass disaster
 - a. Criminal (purpose of criminal cases)
 - b. Civil (purpose of civil cases)
 - c. Identification purpose

B) Civil:

- 1) Paternity dispute
- 2) Marital dispute
- 3) Infidelity
- 4) Affiliation

C) Personal Identification

- 1) Living
- 2) Dead
- 3) Tissue Remains

D) Organ Transplantation

- 1) Donor
- 2) Recipient

PART I I

SOURCE OF COLLECTION OF SAMPLES FOR DNA TEST

- 1) Scene of occurrence/Crime
- 2) Medical Examination
- 3) Autopsy examination
- 4) Exhumation
- 5) Tissue and skeleton remains
- 6) Clothing and other objects
- 7) Already preserved body fluids and other samples
- 8) Intimate body samples from living persons shall be collected, and intimate forensic procedures on living person shall be performed in Hospital/Medical college by a Registered Medical Practitioner as defined in Sl. No.53(b) of criminal procedure, who is familiar with DNA collection procedure required to be followed by the laboratory to whom the sample has to be forwarded.
- 9) The non-intimate body samples can be collected and non-intimate forensic procedure can be performed by the technical staff trained for the collection of samples for DNA test under the supervision of Medical Officer/Scientist