THE HUMAN DNA PROFILING BILL, 2015

A BILL

To regulate the use of Deoxyribose Nucleic Acid analysis of human body substances profiles and to establish the DNA Profiling Board for laying down the standards for laboratories, collection of human body substances, custody trail from collection to reporting and also to establish a National DNA Data Bank and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Human DNA Profiling Act, 2015.

(2) It extends to the whole of India.

(3) 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.
2. (1) In this Act, unless the context otherwise requires,—

(a) "Board" means the DNA Profiling Board established under sub-section (1) of section 3;

(b) "bodily substance" means any biological material of, or from the body of, a person, whether living or dead and includes intimate or non-intimate body samples;

(c) "Chairperson" means the Chairperson of the Board;

(d) "crime scene index" means an index of DNA profiles derived from bodily substances found—

(i) at any place, within or outside India, where a specified offence was, or is reasonably suspected of having been, committed;

(ii) on or within the body of the victim, or a person reasonably suspected of being a victim, of a specified offence;

(iii) on anything worn or carried by the victim at the time when a specified offence was, or is reasonably suspected of having been, committed; or

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

(e) "DNA" means Deoxyribose Nucleic Acid;

(f) "DNA Data Bank" means a DNA Data Bank established under section 24;

(g) "DNA Data Bank Manager" means a person appointed under sub-section (1) of section 26;

(h) "DNA laboratory" means any laboratory or facility established by the Central Government or a State Government or any other individual or Organisation to perform DNA profiling;
(i) "DNA profile" means the result of analysis of a DNA sample which establishes human identification;

(ii) "DNA profiling" means a procedure to develop DNA profile for human identification;

(k) "DNA sample" means bodily substances of any nature collected for conducting DNA profiling;

(l) "Fund" means the DNA Profiling Board Fund constituted under sub-section (1) of section 40;

(m) "known sample" means a biological sample whose identity or type is established;

(n) "Member" means a Member of the Board and includes Chairperson;

(o) "missing persons' index" means an index of DNA profiles derived from —

(i) the personal effects of persons who are missing; and

(ii) the bodily substances voluntarily contributed by the relatives of the missing persons;

(p) "notification" means a notification published in the Official Gazette;

(q) "offender" means a person who has been convicted of, or is an under-trial charged with, a specified offence;

(r) "offenders' index" means an index of DNA profiles from known samples of bodily substances taken from an offender;

(s) "prescribed" means prescribed by rules made by the Central Government under this Act;

(t) "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 devised and administered by the laboratory; and

(ii) external proficiency test, which may be open or blind, and which is obtained from an external agency;

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

(v) “quality manual” is a document to specify the quality procedures, quality systems and practices of an organisation relating to standards, quality control and quality assurance;

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

(x) “regulations” means the regulations made by the Board under this Act;

(y) “Schedule” means the Schedule to this Act;

(z) “specified offence” means an offence which is cognizable offence listed under the heading “Part I.—OFFENCES UNDER THE INDIAN PENAL CODE” in the First Schedule of the Code of Criminal Procedure, 1973;

(za) “suspect” means a person suspected of having committed a specified offence;

(zb) “suspects’ index” means an index of DNA profiles derived from bodily substances lawfully taken from suspects;

(zc) “under-trial” means a person against whom charges have been framed for a specified offence in a court of law;

(zd) “unknown deceased persons’ index” means an index of DNA profiles derived from bodily substances of a deceased person whose identity is not known;
(ze) "validation process" means the process by which a procedure is evaluated to determine its efficacy and reliability for casework analysis and includes—

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

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

(zf) "volunteer" means a person who volunteers to undergo a DNA profiling, and in case of a child or an incapable person, his parent or guardian who has agreed to submit the child or incapable person to undergo a DNA profiling;

(zg) "volunteers' index" means an index of DNA profile derived from bodily substances taken from a volunteer.

(2) All words and expressions used and not defined in this Act but defined in the Indian Penal Code, the Indian Evidence Act, 1872 and the Code of Criminal Procedure, 1973, shall have the same meanings respectively assigned to them in that Act or those Codes.

CHAPTER II
DNA PROFILING BOARD

3. (1) With effect from such date as the Central Government may, by notification, appoint in this behalf, there shall be established, for the purposes of this Act, a Board to be called the DNA Profiling Board.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.
(3) The head office of the Board shall be at Hyderabad.

(4) The Board may establish regional offices at such other places as it may deem necessary.

4. The Board shall consist of a Chairperson, to be appointed by the Central Government from amongst persons of eminence in the field of biological sciences having experience of not less than fifteen years in that field, and the following Members, namely:—

(a) Chairman, the National Human Rights Commission or his nominee- *ex-officio* Member;

(b) Secretary to the Government of India, Ministry of Law and Justice or his nominee not below the rank of Joint Secretary- *ex-officio* Member;

(c) Vice-Chancellor of a National Law University to be nominated by the Central Government - *ex-officio* Member;

(d) Director, the Central Bureau of Investigation or his nominee not below the rank of Joint Director- *ex-officio* Member;

(e) Director, the National Institute of Criminology and Forensic Sciences, New Delhi- *ex-officio* Member;

(f) Director General of Police of a State to be nominated by the Ministry of Home Affairs, Government of India- *ex-officio* Member;

(g) Director-cum-Chief Forensic Scientist, Directorate of Forensic Science Services, Ministry of Home Affairs, Government of India - *ex-officio* Member;

(h) Director of a Central Forensic Science Laboratory to be nominated by the Ministry of Home Affairs, Government of India- *ex-officio* Member;

(i) Director of a State Forensic Science Laboratory to be nominated by the Ministry of Home Affairs, Government of India- *ex-officio* Member;

(j) Director, the National Accreditation Board for Testing and Calibration of Laboratories, New Delhi- *ex-officio* Member;
(k) Financial Adviser, Department of Biotechnology, Government of India or his nominee- *ex-officio* Member;

(l) two persons, from amongst persons of eminence in the field of biological sciences having experience of not less than twelve years in that field, to be nominated by the Secretary, Department of Biotechnology, Ministry of Science and Technology, Government of India- Members;

(m) one person, to be nominated by the President, Indian National Science Academy, New Delhi, from amongst persons of eminence in the field of genetics having experience of not less than twelve years in that field - Member;

(n) one representative of the Department of Biotechnology, Government of India to be nominated by the Secretary, Department of Biotechnology, Ministry of Science and Technology, Government of India- *ex-officio* Member;

(o) Director, Centre for DNA Fingerprinting and Diagnostics, Hyderabad- *ex-officio* Member- Secretary.

5. (1) The Chairperson shall, subject to the provisions of sub-section (4), hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for re-appointment or extension.

(2) The term of office of the Members appointed under clauses (l) and (m) of section 4 shall, subject to the provisions of sub-section (4), be five years from the date on which they enter upon their office.

(3) The Members appointed under sub-section (2) shall be eligible for re-appointment for not more than two consecutive terms.

(4) No person shall hold office as Chairperson or Member after such person has attained the age of seventy years.

(5) The term of office of *ex-officio* Members nominated under clauses (c), (f), (h) and (i) of section 4 shall be for a period not exceeding three years and the term of office of other *ex-officio* Members shall continue as long as they hold the office by virtue of which they are Members.
(6) The Members of the Board shall be entitled to such allowances, as may be prescribed.

6. (1) The Board shall meet at such times and places and shall observe such rules of procedure with regard to the transaction of business at its meetings (including the quorum at such meetings) as may be specified by the regulations.

(2) The Chairperson shall preside at the meeting of the Board and if, for any reason, he is unable to attend the meeting, the senior-most Member present, reckoned from the date of appointment to the Board, shall preside at such meeting:

Provided that in case of common date of appointment of Members, the Member senior in age shall be considered as senior to the other Members.

(3) All questions which come up before any meeting of the Board shall be decided by a majority of the Members present and voting, and in the event of an equality of votes, the Chairperson or, in his absence, the person presiding shall have a second or casting vote.

(4) All orders and decisions of the Board shall be authenticated by the Member-Secretary or any other officer of the Board duly authorised by the Chairperson in this behalf.

7. Any Member having any direct or indirect interest, whether pecuniary or otherwise, in any matter coming up for consideration at a meeting of the 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 Board, and such Member shall not take any part in any deliberation or decision of the Board with respect to that matter.

8. (1) The Central Government may remove from office the Chairperson or any other Member, who—

(a) has been adjudged as an insolvent;

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude;

Member not to participate in meetings in certain cases.

Removal, resignation and filling of vacancy of Chairperson or Member of Board.
(c) has become physically or mentally incapable of acting as a Member;

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest:

Provided that the Chairperson or other Member shall not be removed from office on the grounds specified under clause (d) or clause (e) except by an order made by the Central Government after an inquiry made in this behalf in which such Chairperson or other Member has been given a reasonable opportunity of being heard in the matter.

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

(3) The Chairperson or any other Member of the Board may, by a notice of not less than thirty days in writing under his hand, addressed to the Central Government, resign his office from the Board and the vacancy so caused shall be filled from the same category of persons by the Central Government:

Provided that the Chairperson or any other Member of the Board shall, unless he is permitted by the Central Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon the office or until the expiry of his term of office, whichever is earlier.

9. No act or proceeding of the Board shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Board; or

(b) any defect in the appointment of a person acting as a Member of the Board; or

(c) any irregularity in the procedure of the Board not affecting the merits of the case.
10. The Board may, by general or special order in writing, delegate to the Chairperson or any other Member or Chief Executive 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 (except the power to make regulations under section 58) as it may deem necessary.

11. (1) There shall be a Chief Executive Officer of the Board who shall be appointed by a selection committee consisting of the Chairperson and four other Members nominated by the Board.

(2) The Chief Executive Officer shall be a person not below the rank of Joint Secretary to the Government of India or equivalent who shall report to the Member-Secretary of the Board.

(3) The Chief Executive Officer shall be a person possessing such educational qualifications in science and other qualifications and experience as may be specified by the regulations.

(4) The Chief Executive Officer appointed under sub-section (1) shall exercise such powers and perform such duties under the direction and control of the Member-Secretary as may be specified by the regulations.

12. (1) The Board may, with the approval of the Central Government, appoint such officers and other employees, as it considers necessary, for the efficient discharge of its functions under this Act.

(2) The salaries and allowances payable to, and the terms and other conditions of service of the Chief Executive Officer and other officers and employees appointed under sub-section (1) shall be such as may be specified by the regulations with the prior approval of the Central Government.

(3) The Board may appoint such experts to assist it in the discharge of its functions, on such remunerations, terms and conditions as may be specified by the regulations.

(4) The Board may, in carrying out its functions and activities, hold consultations with such persons and groups of persons whose rights and related interests get affected or impacted by any DNA collection, storage or profiling activity.
(5) The Board shall have the power to co-opt such number of persons as it may deem necessary to attend the meetings of the Board and take part in the proceedings of the Board, but such person shall not have the right to vote.

(6) The persons co-opted under sub-section (5) shall be entitled to such allowances for attending the meetings of the Board as may be specified by the regulations.

13. The Board shall, for the purposes of this Act, perform the following functions, namely:-

(a) advising concerned Ministries and Departments of the Central Government and the State Governments on all issues relating to DNA laboratories including planning, organisational structure, size, number, strategic location and operating standards; on establishment and management of new DNA laboratories and upgradation of existing DNA laboratories; and making recommendations on the funds required for such purposes;

(b) facilitating and assisting the Central Government and the State Governments in establishing DNA laboratories and DNA Data Banks;

(c) issuing certificate of approval to the DNA laboratories, renewal and cancellation thereof;

(d) supervising, monitoring, inspection and assessment of DNA laboratories and DNA Data Banks, including quality control;

(e) framing guidelines for training of manpower and development of training modules;

(f) conducting, monitoring, regulating, certifying and auditing of DNA training programmes for DNA laboratories and DNA Data Banks;

(g) identifying scientific advances and recommending research and development activities in DNA profiling and related issues including intellectual property issues;
(h) laying down procedures for communication of information relating to DNA profile in civil and criminal proceedings and for investigation of crimes by law enforcement and other agencies;

(i) recommending methods for optimum use of DNA techniques and technologies for administration of justice or for such other relevant purposes as may be specified by the regulations;

(j) disseminating best practices concerning the collection and analysis of DNA sample so as to ensure quality and consistency in the use of DNA techniques;

(k) advising on all matters, governed by this Act, as may be referred to it by the Central Government or the State Government;

(l) making recommendations for provision of privacy protection laws, regulations and practices relating to the access to, or the use of, stored DNA samples and their analyses, and ensure —

(i) sufficiency and implementation of such protection;

(ii) appropriate use and dissemination of DNA information;

(iii) accuracy, security and confidentiality of DNA information;

(iv) timely removal and destruction of obsolete, expunged or inaccurate DNA information; and

(v) such other steps as may be required to protect privacy;

(m) providing a forum for the exchange and dissemination of ideas and information;

(n) laying down standards and procedures for establishment and functioning of DNA laboratories and DNA Data Banks including manpower, infrastructure and other related issues concerning monitoring of their performance and activities;

(o) sensitizing and creating awareness among public and other stakeholders including police officers, prosecutors and judicial officers;
(p) deliberating and advising on all ethical and human rights issues relating to DNA profiling in consonance with international guidelines enumerated by the United Nations Organisation and its specialized agencies, *inter alia*, relating to-

(i) the rights and privacy of citizens;

(ii) the issues concerning civil liberties;

(iii) issues having ethical and other social implications in adoption of DNA profiling technology; and

(iv) professional ethics in DNA profiling.

(q) establishing procedure for cooperation in criminal investigation between various investigation agencies within the country and with international agencies;

(r) identifying and elaborating procedure for inter-state cooperation in dealing with DNA profiling;

(s) advising the Central Government on any modifications required to be made in the lists contained in the Schedule;

(t) framing guidelines for storage of biological substances and their destruction;

(u) undertaking any other activity which in the opinion of the Board advances the purposes of this Act; and

(v) performing such other functions as may be assigned to it by the Central Government from time to time.

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15.(1) Every DNA laboratory shall, for the purpose of undertaking DNA profiling or any other procedure relating thereto under this Act, make an application to the Board for obtaining its approval, or renewal thereof, in such form, containing such particulars and fees, and in such manner, as may be specified by the regulations.

(2) Every DNA laboratory functioning as on the date of commencement of this Act, shall, before expiry of a period of six months from such commencement, make an application, as provided in sub-section (1), to the Board for obtaining its approval:

Provided that such DNA laboratory may after making application continue to undertake DNA profiling or any other procedure relating thereto, until it is informed by the Board in writing that its application for approval has been rejected.

16.(1) Upon the receipt of application for approval or renewal thereof, the Board may, by order, after carrying out inspection of that DNA laboratory, its records and books, and on being satisfied that it fulfills all requirements specified under this Act, either grant approval, or renew the same, as the case may be, subject to such conditions as it may deem fit, or reject such application:

Provided that no application shall be rejected without giving the applicant an opportunity of being heard.

(2) The period for which an approval or, as the case may be, renewal, under sub-section (1) may be granted shall be such as may be specified by the regulations.

17. (1) The Board may withdraw the approval granted to a DNA laboratory, if such DNA laboratory—

(a) ceases to undertake DNA profiling or any other procedure relating thereto;
(b) has failed to comply with any of the conditions subject to which the approval has been granted to it;
(c) has failed to comply with provisions of this Act or any other law for the time being in force;
(d) has failed to comply with any direction issued by the Board under this Act, or by such other regulatory Authority established under any other Act for the time being in force; or
(e) has failed to submit or offer for inspection its laboratory or books of account and any other relevant documents, including audit reports, when so demanded by the officers, persons or agency authorised by the Board:
Provided that before withdrawing approval granted to a DNA laboratory, the Board may grant time to such laboratory, on such terms and conditions as the Board may deem appropriate, for taking necessary steps to comply with such directions or provisions or for fulfillment of such conditions within such time.

(2) Where the Board is of the opinion that any delay in withdrawing approval given to a DNA laboratory is prejudicial or detrimental to the public interest, it 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 Board unless such laboratory has been given an opportunity of being heard:

Provided that this sub-section shall not apply where the Board is satisfied that in public interest, and for the reasons to be recorded in writing, that it is neither desirable nor necessary to issue any such order.

(4) On the withdrawal of the approval under sub-section (1), the DNA laboratory shall transfer all the bodily substances, DNA samples and records relating to DNA profiling available in that DNA laboratory to the DNA Data Bank and shall not retain any such substance or sample or record in that laboratory.

18. (1) Any DNA laboratory aggrieved by an order of rejection of its application for approval or renewal thereof under section 16 or 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 of communication of such order.

(2) The decision of the Central Government or the authority referred to in sub-section (1) shall be final:

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

CHAPTER IV

STANDARDS, QUALITY CONTROL AND QUALITY ASSURANCE OBLIGATIONS OF DNA LABORATORY AND INFRASTRUCTURE AND TRAINING

19. Every DNA laboratory which has been granted approval for undertaking DNA profiling or any other procedure under this Act shall—

Obligations of DNA laboratory.
(a) follow such standards and procedures for quality assurance for collection, storage, profiling and analysis of DNA sample;
(b) establish and maintain such documented quality system;
(c) prepare and maintain such quality manuals containing such details;
(d) share such DNA data prepared and maintained by it with the State DNA Data Bank and the National DNA Data Bank,
in such manner, as may be specified by the regulations.

20. (1) The Head of every DNA laboratory shall be a person possessing such educational qualifications and other qualifications and experience as may be specified by the regulations.
(2) Every DNA laboratory shall employ such technical and managerial staff, possessing such educational qualifications and other qualifications and experience for discharging duties and performing functions under this Act, as may be specified by the regulations.
(3) The other staff and employees of a DNA laboratory shall possess such qualifications and experience as may be specified by the regulations.

21. (1) The Head of every DNA laboratory shall take such measures for facilitating skill upgradation and advancement in the knowledge of its employees in the field of DNA profiling and other related fields, as may be specified by the regulations.
(2) The Head of every DNA laboratory shall ensure that its employees shall undergo such regular training in DNA related subjects, in such institutions, at such level and at such intervals, as may be specified by the regulations;
(3) The Head of every DNA laboratory shall maintain such records relating to the laboratory and its personnel as may be specified by the regulations.

22. Every DNA laboratory shall—
(a) possess such infrastructure;
(b) maintain such security and follow such procedure to minimise contamination of DNA samples;
(c) establish and follow such documented evidence control system to ensure integrity of physical evidence;
(d) establish and follow such validation process and written analytical procedure;
(e) prepare such indices;
(f) use such equipment for the methods it employs;
(g) have such documented programme for calibration of instruments and equipments;
(h) conduct annual audits with such standards;
(i) install such security system for the safety of DNA laboratory and its personnel;
(j) charge such fee for conducting DNA profiling or any other procedure relating thereto, not exceeding such amount, as may be specified by the regulations.

Explanation.—For the purposes of this section,—

(a) “analytical procedure” means an orderly step by step procedure designed to ensure operational uniformity;

(b) “audit” means an inspection used to evaluate, confirm or verify activity related to quality;

(c) “calibration” means a 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.

23. (1) For the purposes of this Act, samples for DNA profiling may be collected from the following sources, namely:

   (a) bodily substances;
   (b) scene of occurrence, or scene of crime;
   (c) clothing and other objects; or
   (d) such other sources as may be specified by the regulations.

(2) For the purposes of sub-section (1),

   (a) any intimate body samples from living persons shall be collected, and intimate forensic procedures shall be performed, by a medical practitioner.

Sources and manner of collection of samples for DNA profiling.
(b) any non-intimate body samples shall be collected and non-intimate forensic procedure shall be performed by the technical staff trained for the collection of samples for DNA profiling under the supervision of a medical officer or a scientist having expertise in molecular biology or such other person as may be specified by the regulations.

Explanations.—For the purposes of this section,—

(a) the expression “medical practitioner shall have the meaning as assigned to it in section 53 of the Code of Criminal Procedure, 1973.

(b) “intimate body sample” means a sample of blood, semen or any other tissue, fluid, urine or pubic hair; or a swab taken from a person’s body orifice other than mouth; or skin or tissue from an internal organ or body part, taken from or of a person, living or dead;

(c) “intimate forensic procedure” means any of the following forensic procedures conducted on a living individual, namely:—

(i) external examination of the genital or anal area, the buttocks and breasts in the case of a female;
   (ii) taking of a sample of blood;
   (iii) taking of a sample of pubic hair;
   (iv) taking of a sample by swab or washing from the external genital or anal area, the buttocks and breasts in the case of a female;
   (v) taking of a sample by vacuum suction, by scraping or by lifting by tape from the external genital or anal area, the buttocks and breasts in the case of a female;
   (vi) taking of a photograph or video recording of, or an impression or cast of a wound from, the genital or anal area, buttocks and breasts in the case of a female;

(d) “non-intimate body sample” means any of the following taken from or of a person, living or dead, namely:—
   (i) a sample of hair other than pubic hair;
   (ii) a sample taken from a nail or under a nail;
(iii) swab taken from any part of a person's body including mouth, but not any other body orifice;
(iv) saliva; or
(v) a skin impression;

(e) "non-intimate forensic procedure" means any of the following forensic procedures conducted on a living individual, namely:-

(i) examination of a part of the body other than the genital or anal area, the buttocks and breasts in the case of a female, that requires touching of the body or removal of clothing;
(ii) taking of a sample of hair other than pubic hair;
(iii) taking of a sample from a nail or under a nail;
(iv) taking of buccal swab with consent;
(v) 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 breasts in the case of a female;
(vi) scraping or 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;
(vii) taking of a handprint, fingerprint, footprint or toe print;
or
(viii) 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 breasts in the case of a female;

CHAPTER V
DNA DATA BANK

24. (1) The Central Government shall establish, by notification, a National DNA Data Bank at Hyderabad.

(2) The Central Government shall establish such number of Regional DNA Data Banks for every State, or two or more States, as it may deem necessary.

(3) Every State Government may establish, by notification, a State DNA Data Bank at such place as it may deem necessary.

(4) A State DNA Data Bank shall share all DNA data stored and maintained by it with the National DNA Data Bank.
(5) The National DNA Data Bank shall receive DNA data from State DNA Data Banks and shall store the DNA profiles received from the approved DNA laboratories in such format as may be specified by the regulations.

25. (1) Every DNA Data Bank shall maintain the following indices for various categories of data, namely:

(a) a crime scene index;
(b) a suspects’ index;
(c) an offenders’ index;
(d) a missing persons’ index;
(e) unknown deceased persons’ index;
(f) a volunteers’ index; and
(g) such other DNA indices as may be specified by the regulations.

(2) In addition to the indices referred to in sub-section (1), every DNA Data Bank shall contain, in relation to each of the DNA profiles, the following informations, namely:

(a) in case of a profile in the suspects’ index or offenders’ index, the identity of the person from whose bodily substances the profile was derived; and
(b) in case of profiles, other than the profiles in the suspects’ index or offenders’ index, the case reference number of the investigation associated with the bodily substances from which the profile was derived.

(3) The indices maintained under sub-section (1) shall include information of data based on DNA profiling and of records relating thereto, prepared by an approved DNA laboratory in accordance with such standards as may be specified by the regulations.

26. (1) A selection committee consisting of the Chairperson and four other Members nominated by the Board shall appoint a DNA Data Bank Manager for the purposes of execution, maintenance and supervision of the National DNA Data Bank.

(2) The DNA Data Bank Manager shall be a person possessing such educational qualifications in science and other qualifications and experience, as may be specified by the regulations.

(3) The DNA Data Bank Manager shall be a person not below the rank of Joint Secretary to the Government of India or equivalent who shall report to the Member-Secretary of the Board.
(4) The DNA Data Bank Manager shall exercise such powers and perform such duties, as may be specified by the regulations, under the direction and control of the Member-Secretary.

27. (1) The Board may, with the approval of the Central Government, appoint such officers and other employees, as it considers necessary, for the National DNA Data Bank and the Regional DNA Data Bank, for the efficient discharge of its functions under this Act.

(2) The salaries and allowances payable to, and the terms and other conditions of service of the DNA Data Bank Manager and other officers and other employees appointed under sub-section (1) shall be such as may be specified by the regulations with the prior approval of the Central Government.

(3) The Board may appoint such experts to assist the DNA Data Banks in the discharge of its functions, on such remunerations and terms and conditions, as may be specified by the regulations.

28. (1) On receipt of a DNA profile, the DNA Data Bank Manager shall compare the DNA profile entered in the offenders’ index or the crime scene index with the DNA profiles contained in the DNA Data Bank, and may communicate the following information to any court, tribunal, law enforcement agency or approved DNA laboratory, which he may considers appropriate, for the purpose of investigation or adjudication of a criminal offence, namely:

(a) if the DNA profile is not contained in the DNA Data Bank, the information that it is not so contained;

(b) if the DNA profile is contained in the DNA Data Bank, the information that it is so contained;

(c) if, in the opinion of the DNA Data Bank Manager, the DNA profile is similar to the one contained in the DNA Data Bank, the similar DNA profile; and

(d) if a court, tribunal, law enforcement agency or DNA laboratory informs the DNA Data Bank Manager that their comparison of similar DNA profile communicated under clause (c) with the DNA profile connected to the commission of a criminal offence has not excluded the former as a possible match, the information contained in the DNA Data Bank in relation to that profile.
29. (1) On receipt of a DNA profile from the Government of a foreign State or an international organisation established by the Governments of foreign States or any institution of such Government or international organisation, the National DNA Data Bank Manager may compare such DNA profile with the DNA profiles contained in the crime scene index, the offenders’ index, the suspects’ index, the missing persons’ index, the unknown deceased persons’ index and such other indices specified by regulations, to determine whether there is a match between the profiles and he may communicate through the Central Bureau of Investigation or any other appropriate agency of the Central Government, any of the following information to such Government or organisation or institution, as the case may be, with the prior approval of the Central Government, namely:—

(a) if there is no match between the profiles, the information that there is no such match;

(b) if there is a match between the profiles, any information relating to such matching DNA profile;

(c) if, in the opinion of the DNA Data Bank Manager, the DNA profile is similar to the one contained in the DNA Data Bank, the similar DNA profile; and

(d) if, after receiving the similar DNA profile referred to in subsection (c), such foreign Government or organisation or institution informs the DNA Data Bank Manager that the possibility of a match between the similar DNA profile with the DNA profile provided by it has not been excluded, any information in relation to the similar DNA profile.

(2) On the request made by a law enforcement agency in the course of the investigation of a specified offence, the National DNA Data Bank Manager may, with the prior approval of the Central Government, communicate through the Central Bureau of Investigation or any other appropriate agency of the Central Government, any DNA profile contained in the crime scene index to the Government of a foreign State, an international organisation established by the Governments of States or an institution of any such Government or international organisation, as the case may be.

(3) The National DNA Data Bank Manager may, on the request of a court, tribunal, law enforcement agency or DNA laboratory in India in the course of the investigation of a missing person or unknown deceased persons, communicate through the Central Bureau of
Investigation or any other appropriate agency of the Central Government with the prior approval of the Central Government a DNA profile contained in the missing persons' index or the unknown deceased persons' index to the Government of a foreign State, an international organisation established by the Governments of States or an institution of any such Government or international organisation, as the case may be.

30. (1) Subject to sub-section (2), the information in the offenders' index pertaining to a convict shall be kept on a permanent basis.

(2) The DNA Data Bank Manager shall, on receiving a certified copy of the order of the court that has become final establishing that the person in respect of whom the information is included in the offenders' index has been—
(a) acquitted of the charges framed against him; or
(b) if convicted, such conviction has been set aside,
expunge forthwith the DNA profile of such person from the offenders' index, under intimation to the person concerned, in such manner as may be prescribed.

### CHAPTER VI

**CONFIDENTIALITY OF AND ACCESS TO DNA PROFILES, SAMPLES AND RECORDS**

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

32. All DNA data including DNA profiles, DNA samples of bodily substances and records thereof, contained in any DNA laboratory and DNA Data Bank shall be used solely for the purposes of facilitating identification of the person in accordance with this Act and not for any other purpose.

33. Any information relating to DNA profiles, DNA samples and records thereof contained in the DNA Data Bank shall be made available to the following persons in the following cases, namely:-
(a) for identification purposes in criminal cases to law enforcement agencies;

| Retention and expunction of records. | Confidentiality of DNA profiles, DNA samples and records. | Use of DNA profiles, DNA samples and records for facilitating identification of persons. | Availability of DNA profiles, DNA samples and records in certain cases. |
(b) in judicial proceedings, in accordance with the rules of admissibility of evidence;
(c) for facilitating prosecution and adjudication of criminal cases;
(d) for the purposes of taking defence by an accused in the criminal case in which he is charged;
(e) for creation and maintenance of a population statistics Data Bank which is to be used, as may be prescribed, for the purposes of 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;
(f) in the case of investigations relating to civil disputes or other civil matters or offences or cases listed in the Schedule, to the concerned parties to such disputes or matters or offences or cases with the concurrence of the court, or to the concerned judicial officer or authority; or
(g) in such other cases, as may be prescribed.

<table>
<thead>
<tr>
<th>34. Access to information contained in the DNA Data Bank may be made available, as the DNA Data Bank Manager considers appropriate, to—</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) a person or class of persons, for the sole purpose of proper operation and maintenance of the DNA Data Bank; and</td>
</tr>
<tr>
<td>(b) the personnel of any DNA laboratory for the purpose of training.</td>
</tr>
</tbody>
</table>

Access to information for operation, maintenance and training.

<table>
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<tr>
<th>35. A person who is authorised to access an index of the DNA Data Bank for the purposes of including information of DNA identification records or DNA profile in that index, may also access that index for the purposes of carrying out one-time keyboard search on information obtained from any DNA sample lawfully collected for the purpose of criminal investigation, except for a DNA sample voluntarily submitted solely for elimination purposes.</th>
</tr>
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<tr>
<td><strong>Explanation.</strong>—For the purposes of this section, “one time keyboard search” means a search under which information obtained from a DNA sample is compared with the information in the index of the DNA Data Bank, without resulting in the information obtained from the DNA sample being included in the index.</td>
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</table>

Access to information in DNA Data Bank for one time keyboard search.

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<tr>
<th>36. Access to the information in the crime scene index shall be restricted in such manner as may be prescribed, if such information relates to a DNA profile derived from a bodily substance of—</th>
</tr>
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</table>

Restriction on access to information in DNA Data Bank.
(a) a victim of a specified offence which forms or formed the object of relevant investigation; or

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

37. (1) 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 those provided for under this Act.

(2) Save as otherwise provided under this Act, no person shall communicate, or authorize the communication of, or allow to be communicated, any information on DNA profiles contained in the DNA Data Bank or the information communicated under sections 28 and 29.

(3) 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 this Act.

38. Any person undergoing a sentence of imprisonment or is under death sentence pursuant to conviction for an offence may apply to the court which convicted him for an order of DNA profiling of specific evidence and the court shall order such DNA profiling of the said evidence, if the court is satisfied that any of the following conditions apply, namely:-

(a) the applicant has asserted on oath that he is actually innocent of the offence for which he is under the sentence of imprisonment or death;

(b) the specific evidence to be tested was secured in relation to the investigation or prosecution of the offence in respect of which the applicant makes such assertion;

(c) 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 condition sufficient to ensure that such evidence has not been substituted, contaminated, tampered with, replaced, or altered in any manner;

(d) the specific evidence to be tested was not previously...
subjected to DNA profiling and the applicant—

(i) had not knowingly and voluntarily waived the right to request DNA profiling of that evidence in a court proceeding after the date of coming into force of this Act;

(ii) had not requested DNA profiling of that specific evidence in a prior motion for post-conviction DNA profiling; or

(iii) is requesting the DNA profiling by use of a new method or technology that would provide results that have a reasonable probability of contradicting prior results;

(e) the DNA profiling as proposed by the applicant is reasonable in its scope, uses scientifically sound methods and is consistent with accepted forensic practices;

(f) the identity of the person who has committed the offence was an issue in the trial in which the applicant was convicted;

(g) the applicant has submitted objections or defence in his case which is not inconsistent with the evidence presented by him at the trial and that would establish the actual innocence of the applicant in respect of the specified offence for which he has made assertion of innocence on oath;

(h) the proposed DNA profiling of the specific evidence as requested by the applicant may produce new material evidence that would support the objections or defence or evidence submitted by the applicant and raise a reasonable probability that the applicant did not commit the offence; and

(i) the applicant undertakes in his application that he shall provide his DNA sample for the purposes of comparison.

CHAPTER VII
FINANCE, ACCOUNTS AND AUDIT

39. The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Board grants and loans of such sums of money as that Government may consider necessary.

40. (1) There shall be constituted a Fund to be called the DNA Profiling Board Fund and there shall be credited thereto—

DNA Profiling Board Fund.
(a) any grants and loans made to the Board by the Central Government under section 39;

(b) all sums received by the Board including fees, charges or donations from any other source;

(c) recoveries made of the amounts granted from the Fund; and

(d) any income from investment of the amount of the Fund.

(2) The Fund shall be applied by the Board for meeting—

(a) expenses on objects and for purposes authorised by this Act;

(b) salaries, allowances and other expenses of the Members, officers and other employees of the Board; and

(c) expenses of the Board in the discharge of its functions under this Act.

41. The Board shall prepare, in such form and at such time in each financial year, as may be prescribed, its budget for the next financial year showing the estimated receipts and expenditure of the Board and forward the same to the Central Government.

42. The Board shall prepare, in such form and at such time in each financial year, as may be prescribed, its annual report giving a full account of its activities during the previous financial year and submit a copy thereof to the Central Government.

43. (1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Board shall be audited by the Comptroller and Auditor-General of India annually and any expenditure incurred in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India or any other person appointed by him in connection with the auditing of the accounts of the Board under this Act shall have the same rights and
privileges and the authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the auditing of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Board.

(4) The Board shall furnish to the Central Government, before such date as may be prescribed, its audited copy of accounts together with auditor's report.

44. The Central Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before each House of Parliament.

| CHAPTER VIII |
| OFFENCES AND PENALTIES |
| 45. Whoever, by virtue of his employment or official position or otherwise, has in his possession, or has access to, individually identifiable DNA information contained in the DNA Data Bank and wilfully discloses it in any manner to any person or agency not entitled to receive it under this Act, or under any other law for the time being in force, shall be punishable with simple imprisonment for a term which shall not be less than one month, but which may extend to three years, and shall also be liable to a fine which may extend to one lakh rupees. |
| Penalties for unauthorised disclosure of information in DNA Data Bank. |
| 46. Whoever, without authorisation, wilfully obtains individually identifiable DNA information from the DNA Data Bank shall be punishable with simple imprisonment for a term which shall not be less than one month, but which may extend to three years and shall also be liable to a fine which may extend to one lakh rupees. |
| Penalties for obtaining information from DNA Data Bank without authorization. |
| 47. Whoever accesses information stored in the DNA Data Bank otherwise than in accordance with the provisions of this Act shall be punishable with simple imprisonment for a term which shall not be less than one month, but which may extend to two years and shall also be liable to a fine which may extend to fifty thousand rupees. |
| Penalties for unlawful access to information in DNA Data Bank. |
| 48. 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 authorisation, such sample or result of DNA analysis, shall be punishable with simple imprisonment for a term which shall not be less than one month, but which may extend to three years and shall also be liable to a fine which may extend to one lakh rupees. |
| Penalties for providing or using DNA sample or result without authorization. |
49. 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 profiling or to prevent the production or use of that evidence in a judicial proceeding, shall be punishable with simple imprisonment for a term which shall not be less than one month, but which may extend to five years and shall also be liable to a fine which may extend to two lakh rupees.

50. (1) Where an offence under this Act has been committed by a company or institution, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company or institution for the conduct of the business of the company or 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 or 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 or 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.

51. (1) No court shall take cognizance of any offence punishable under this Act or any rules or regulations made thereunder save on a complaint made by the Central Government or its officer or Board or its officer or any other person authorised by it:

Provided that nothing contained in this sub-section shall prevent an
agrieved person from approaching a court, if upon his application to the Central Government or the Board, no action is taken by them within a period of three months from the date of receipt of the application.

(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 IX |
| MISCELLANEOUS |

| 52. The Chairperson, other Members, officers and other employees of the 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. |

| Chairperson, Members, Officers to be public servants |

| 53. No suit, prosecution or other legal proceedings shall lie against the Central Government or any officer of the Central Government or Board or any Member or officer or other employee of the Board for anything which is done or intended to be done in good faith under this Act or the rules or regulations made thereunder. |

| Protection of action taken in good faith |

| 54. Notwithstanding anything contained in- |

| (a) the Wealth-tax Act, 1957; |
| (b) the Income-tax Act, 1961; or |
| (c) any other law for the time being in force relating to tax, including tax on wealth, income, profits or gains or the provision of services, |

| the Board shall not be liable to pay wealth-tax, income-tax or any other tax in respect of its wealth, income, profits or gains derived. |

| Exemption from tax on wealth and income, profits and gains. |

| 55. (1) If at any time the Central Government is of the opinion- |

| (a) that, on account of circumstances beyond the control of the Board, it is unable to discharge the functions or perform the duties assigned to it by or under the provisions of this Act; or |

| (b) that the Board has persistently defaulted in complying with any direction issued by the Central Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of this Act and as a result of such default, the financial position of the Board or the |

| Power of Central Government to supersede Board. |
administration of the Board has suffered; or

c) that circumstances exist which render it necessary in the public interest to do so,

it may, by notification, supersede the 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 Board to make representations against the proposed supersession and shall consider the representations, if any, of the Board.

(2) Upon the publication of a notification under sub-section (1),-

(a) the Chairperson and other Members shall, as from the date of supersession, vacate their offices as such;

(b) 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 Board is reconstituted under sub-section (3), be exercised and discharged by such person or persons as the Central Government may direct; and

(c) all property owned or controlled by the Board shall until the Board is reconstituted under sub-section(3), vest in the Central Government.

(3) On or before the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government shall reconstitute the Board by a fresh appointment of its Chairperson and other Members and in such case any person or persons who had vacated their offices under clause (a) of sub-section (2) shall not be deemed disqualified for re-appointment.

(4) The Central Government shall cause a copy of the 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.

56. The Central Government may issue such directions, as it may deem fit, to the Board and the Board shall be bound to carry out such directions.

| Power of Central Government to issue directions | 31 |
57. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) 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:-

(a) the allowances payable to the Members of the Board under sub-section (5) of section 5;
(b) the authorized persons to whom information relating to a person’s DNA profile contained in the offenders’ index shall be communicated under sub-section (2) of section 28;
(c) the manner in which the DNA profile of a person shall be expunged from the offenders’ index under sub-section (2) of section 30;
(d) the use of population statistics Data Bank created and maintained for the purposes of identification research and protocol development or quality control under clause (e) of section 33;
(e) the other cases for which the information relating to DNA profiles, DNA samples and records relating thereto shall be made available under clause (g) of section 33;
(f) the manner in which access to the information in the DNA Data Bank shall be restricted under section 36;
(g) the form in which and the time at which the Board shall prepare its budget under section 41;
(h) the form in which and the time at which the Board shall prepare its annual report under section 42;
(i) the form in which the annual statement of accounts shall be prepared by the Board under sub-section (1) of section 43;
(j) the date before which audited copy of the accounts shall be furnished to the Central Government under sub-section (4) of section 43; and
(k) 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 provisions of this Act.

58. (1) The Board may, by notification, make regulations consistent with this Act and the rules made thereunder, to carry out the provisions 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:-

(a) the time and the place at which the Board shall meet and the procedure it shall observe with regard to the transaction of business at its meetings (including quorum at such meetings), under sub-section (1) of section 6;

(b) the educational qualification in science and other qualifications and experience for appointment as Chief Executive Officer under sub-section (3) of section 11;

(c) the powers and duties of Chief Executive Officer under sub-section (4) of section 11;

(d) the salaries and allowances payable to, and the terms and other conditions of service of Chief Executive Officer and other officers and employees of the Board under sub-section (2) of section 12;

(e) the remuneration and the terms and conditions of appointment of consultants to the Board under sub-section (3) of section 12;

(f) the allowances payable to the co-opted members under sub-section (6) of section 12;

(g) the other relevant purposes for the optimum use of DNA techniques and technologies under clause (i) of section 13;

(h) the form of application, the particulars it shall contain and the fee it shall accompany and the manner in which it shall be made to the Board by every DNA laboratory for approval or for renewal, as the case may be, for the purpose of undertaking DNA profiling, under sub-section (1) of section 15;

(i) the period for which the approval or renewal may be granted, under sub-section (2) of section 16;

(j) the standards and procedures that a DNA laboratory shall follow for quality assurance for collection, storage, profiling and analysis of DNA samples under clause (a); the documented quality system that a DNA laboratory shall establish and maintain under clause (b); the quality manual with the details therein that every DNA laboratory shall establish and maintain under clause (c); sharing of the DNA data prepared and maintained by DNA laboratory with the State DNA Data Bank and the National DNA
Data Bank and the manner thereof under clause (d), of section 19;

(k) the educational and other qualifications and experience that the Head of a DNA laboratory shall possess under sub-section (1) of section 20;

(l) the qualifications and experience that the technical and managerial staff employed by a DNA laboratory under sub-section (2) of section 20;

(m) the qualifications and experience of other staff and employees of a DNA laboratory under sub-section (3) of section 20;

(n) the measures to be taken by the Head of a DNA laboratory under sub-section (1) of section 21;

(o) the training which the employees of a DNA laboratory shall undergo, the institutions where such training shall be given, the levels and intervals for such training under sub-section (2) of section 21;

(p) the records to be maintained by the Head of a DNA laboratory under sub-section (3) of section 21;

(q) the infrastructure that a DNA laboratory shall possess under clause (a); the security to be maintained and the procedure to be followed by such laboratory to minimise contamination of DNA samples under clause (b); the documented evidence control system to be established and followed by such laboratory to ensure integrity of physical evidence under clause (c); the validation process and written analytical procedure to be established and followed by such laboratory under clause (d); the indices to be prepared by such laboratory under clause (e); the equipment to be used by such laboratory for the methods it employs under clause (f); the documented programme such laboratory shall have for calibration of instruments and equipment under clause (g); the annual audits such laboratory shall conduct and the standards for such audits under clause (h); the security system to be installed by such laboratory for its safety and for the safety of its personnel under clause (i); the fee not exceeding that which a DNA laboratory shall charge for conducting DNA procedure under clause (j), of section 22 and the conditions for calibration under clause (c) of the
Explanation thereunder;

(r) the other sources for collection of DNA sample under clause
(d) of sub-section (1) of section 23;

(s) the other person under whose supervision DNA sample may be
collected under clause (b) of sub-section (2) of section 23;

(t) the format in which the National DNA Data Bank shall receive
DNA data from State DNA Data Banks and store the DNA profiles
under sub-section (5) of section 24;

(u) the other DNA indices that shall be maintained by a DNA
Data Bank under clause (g) of sub-section (1) of section 25;

(v) the standards in accordance with which information of data
based on DNA analysis shall be prepared by a DNA laboratory
under sub-section (3) of section 25;

(w) the educational qualifications in science and other
qualifications and experience of DNA Data Bank Manager under
sub-section (2) of section 26;

(x) the powers and duties of the DNA Data Bank Manager under
sub-section (4) of section 26;

(y) the salaries and allowances payable to, and the terms and other
conditions of service of the DNA Data Bank Manager under sub-
section (2) of section 27;

(z) the remunerations and the terms and conditions of appointment
of consultants to assist the DNA Data Bank Manager under sub-
section (3) of section 27;

(aa) the other indices with which the DNA profile may be
compared with under sub-section (1) of section 29;
59. Every rule and every regulation 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 in making any modification in the rule or regulation or both Houses agree that the rule or regulation 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 rule or regulation.

60. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

61. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Board is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

62. (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 the provisions of sub-section (1), 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.

63. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published 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.
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<th>SCHEDULE</th>
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<tr>
<td>List of matters of DNA profiling</td>
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<td>[See section 33 (f)]</td>
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</tbody>
</table>

A. Offences under Indian Penal Code where DNA profiling is useful for investigation of offences.
B. Offences under special laws:
   (i) The Immoral Traffic (Prevention) Act, 1956 (104 of 1956)
   (ii) The Medical Termination of Pregnancy Act, 1971
   (iii) The Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994
   (iv) The Protection of Women from Domestic Violence Act, 2005
   (v) The Protection of Civil Rights Act, 1955
   (vi) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989
   (vii) The Motor Vehicles Act, 1988
C. Civil disputes and other civil matters:
   (i) Parental dispute (maternity or paternity)
   (ii) Issues relating to pedigree
   (iii) Issues relating to assisted reproductive technologies [surrogacy, in-vitro fertilization and intrauterine implantation or such other technologies]
   (iv) Issues relating to transplantation of human organs (donor and recipient) under the Transplantation of Human Organs Act, 1994 (42 of 1994)
   (v) Issues relating to immigration or emigration
   (vi) Issues relating to establishment of individual identity
D. Other offences or cases:
   (i) Medical negligence
   (ii) Unidentified human remains
   (iii) Identification of abandoned or disputed children and related issues.