

## CURRENT AFFAIRS, September 2022

- The Supreme Court Constitutional Bench upheld validity of 103rd Constitutional Amendment which introduced 10% quota for EWS in education and public employment.
- Recently a Private Member Bill titled Uniform Civil Code in India Bill, 2020 was introduced in Rajya Sabha. The bill seeks to provide for a panel to prepare a UCC to be implemented across the country.
- Supreme Court (SC) has decided to examine law depriving undertrials the right to vote. Decision to examine came on a petition challenging Section 62 (5) of Representation of the People Act (RPA), 1951 which deprives prisoners of their right to vote.
- 2022 marks the 130th anniversary of the election of Dadabhai Naoroji to the House of Commons (first person of Indian origin to be elected to the House of Commons).

- Recently, the CII-Exim Bank Regional Conclave on India-Southern Africa Growth Partnership was held. The Conclave serves as a platform for dialogues between India Southern African Development Community (SADC).
- Recently India-UN Development Partnership Fund celebrated 5 Years of South-South Collaboration. It is a dedicated facility established in 2017 within the United Nations Framework Convention on Climate Change (UNFCCC).
- Recently the Reserve Bank of India (RBI) has released a report on municipal financing. The report is a first ever comprehensive analysis of Municipal finances and covers 201 municipal corporations (MCs) across all States.
- Recently, Report of Expert Committee on SVAMITVA Schemewas released during the National Conference on

- SVAMITVA Scheme and Rural Planning, by Ministry of Panchayati Raj. Survey of Villages Abadi and Mapping with Improved Technology in Village Areas (SVAMITVA) is a Central Sector Scheme of Ministry of Panchayati Raj (MoPR).
- SEBI issues guidelines on Standardization of Rating Scales used by Credit Rating Agencies (CRAs).
- Recently, the Government has awarded the contract of setting up India's first multi-modal logistics park (MMLP) near Chennai to Reliance Industries (RIL). A Multi-Modal Logistics Park (MMLP) as an inter-modal freight-handling establishment comprising warehouses, dedicated cold chain facilities, freight or container terminals and bulk cargo terminals.

## ORIENTATION CEREMONY

### Day 1

#### Academic Orientation

Indore Institute of Law organized an online Orientation Ceremony for the students of B. A. LL. B. (Hons.), B. B. A. LL. B. (Hons.), B. B. A. LL. B. (Hons.) (Global and Transnational Studies), LL. B. (Hons.), LL. M. (Hons.) and B. B. A. (Global) from October 7-9, 2022. The Orientation Ceremony was conducted offline.

Before the orientation process the students had already completed admission formalities in offline mode as per the preference of the parents/students. After the completion of formalities the Orientation Ceremony was initiated with an objective to introduce students to the entire academic process to be followed by the students.

The ceremony began with welcome of Mr. Kantilal Bam, Chairman, ICON Education Society, Mr. Akshay Kanti Bam, Chairman, Indore Institute of Law, Dr. Manpreet Kaur Rajpal, Director and Dean, Academics, Indore Institute of Law, Dr. Vinod Patidar, Principal, Indore Institute of Law, Mr. Kamal Vyas, Executive Director, Administration,

Indore Institute of Law and Mr. S. C. Shrivastava, Chief Administrative Officer, Indore Institute of Law.

After the welcome Dr. Manpreet Kaur Rajpal, Director and Dean, Academics, Indore Institute of Law addressed the students and introduced them to the rich and vibrant academic activities at Indore Institute of Law. Dr. Rajpal encouraged the students to give their best in the time of pandemic and equip themselves with available applications and tools to enhance their knowledge.

### Day 2

#### Know Your Campus

On second day the students of various courses were addressed by their respective Batch Coordinators who informed the students about the academic rules and regulations to be followed during the academic session. It was followed by Library Session, Research Session and Student Council's Talk & University Exam & IT Cell Session. The second day concluded with an online Campus visit where students were given a virtual tour of the entire campus.

### Day 3

#### Society and Club

Day three was devoted to various Societies and Clubs at Indore Institute of Law. Faculty Coordinators of all the societies introduced their society and its purpose and working to the law students in various courses. The entire process to become a part of the society was discussed. The advantages of being a part of the society for students were also discussed in detail with the students. The faculty coordinators showed glimpses of various events and activities conducted by their society via a presentation.

The management students of B. B. A. were addressed by the Faculty Coordinators of all the nine clubs. The coordinators introduced their respective club and its working and importance to the new students. They were aptly informed about all the formalities to be performed to become and member of the club. The various activities organized by the clubs were also shown to the students via a power point presentation.



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Icon Education Society (I.E.S.), as a first step to achieve its objectives, decided to set up an exclusive and independent college to provide specialized, high quality Law education for professionals, coupled with all basic infrastructure facilities.

Indore Institute of Law is the first independent & exclusive College of Law in Indore, Affiliated to the Bar Council of India & Devi Ahilya Vishwavidyalaya (DAVV), Indore. The Study Course/ Admission/ Examination and Degree shall be strictly in terms of regulations of DAVV, Indore. Indore Institute of Law is only Private College in Madhya Pradesh where all the law courses are under one roof.

## LEGALITY OF THE DNA TECHNOLOGY REGULATION BILL, 2019 AND RIGHT TO PRIVACY



### Introduction

The DNA Technology Regulation Bill, 2019 was presented within the four walls of Lok Sabha on July 8, 2019. The bill looks to define a DNA Regulatory Board with a command for the foundation of DNA Data Banks and Accreditation of DNA Profiling Research facilities. There are five categories in which information files must be kept: Crime Scene Record, Suspects or Under Trial File, Offenders File, Lost Persons Record, and Obscure Perished People File.

### The DNA Technology (Use and Application) Bill, 2019:

The DNA Technology Bill, 2019, finds its roots in a course held in Hyderabad in 2003 on the subject of "Impact of Modern Science on the Equity Conveyance System." The course was sorted out by the Centre for DNA Fingerprinting and Diagnostics (CDFD) in conjunction with the National Academy of Legal Studies and Research (NALSAR), both based in Hyderabad. There have been two master committees, specifically the Malimath Committee and the A.P. Shah Committee, that have dug into the complexities of DNA information. The previous section looked at DNA information more from the point of view of the Criminal Procedure Code, while the last section mentioned was exclusively focused on the various drafts compiled by the Government of India since 2003.

After due consideration, the Law Commission of India put forward a draft charge as part of its report titled "Human DNA Profiling: A Draft Charge for the Use and Regulation of DNA-Based Technology." While the initial efforts to bring the bill to the lower house for due consideration lapsed due to the dissolution of the same, it was brought back in 2019 and thus sent to the Parliamentary Standing Committee on Science and Technology, Environment, Woodlands, and Climate for an appropriate report on the bill. The Committee, beneath the chairmanship of Mr. Jairam Ramesh submitted a report to both the Houses on 3rd February 2021. The report could be a detailed examination of the bill's motivation, potential consequences, and proposed changes.

### Highlights of the Bill Passed

The highlights of the bill can be outlined as follows:

1. To establish the identity of those who are parties to either gracious or criminal suits, including those who are suspects, under-trials, lost people, obscure expired people, and/or entangled in paternity or legacy suits.
2. To establish, build, authorize, and manage DNA research facilities and banks on a territorial and national scale.

3. To counsel the Central and State governments on any and all issues emerging from and in connection with DNA research facilities and information banks and lay down the essential rules, measures, and strategies in respect to the same.

4. To help the legal and law authorization organizations by giving master conclusions on proof relating to DNA and different scientific strategies connected to the same.

### Misuse of a DNA Database

At the onset of the discussion, one might contend that the prompt result of DNA profiling would be useful to the state on grounds of giving the investigative organizations potential leads, which would exceed the security contemplations of the citizens.

In any case, such a contention fails to consider the reality that the infringement of security lies not so much in the quick collection of substantial tests for DNA profiling as it does in the plausibility of its future manipulation by state agencies. Misuse of such data could include evidence planting to prove guilt against repeat offenders, information sharing with interested private parties such as pharmaceutical and security companies, undesirable familial looks, and so on. Individuals in a familial group may become extremely vulnerable to investigation because DNA profiling appears to lead investigative offices to capture individuals based on their hereditary cosmetics rather than any reasonable grounds for doubt. While this may make the work of investigative offices less difficult, it also allows for a reasonable degree of discretion in the application of law. In spite of the fact that DNA profiling is unique, solid familial similitudes can compromise the protection of the family members of those individuals who are on the national database.

### Violation of Article 20(3)

In any case, such a claim ignores the fundamental differences between a unique mark and DNA profiling. It must be well known that DNA profiling is significantly different from unique finger prints for two primary reasons. Firstly, DNA profiling, (which is not at all like fingerprinting) can be utilized to follow the behavioral, unstable, and routine characteristics of individuals. This data is more than a simple physical truth and can be classified as 'knowledge' that the accused had. Following such data and capturing individuals based on such data, according to the ideals of that, would amount to an infringement of the right against self-incrimination under Article 20(3). Furthermore, because of its one-time use or application, fingerprinting cannot be used by investigating authorities to annoy rehased guilty parties in the future, whereas DNA profiling is saved in a database and is immediately accessible to the state and can be used for the same.

### Not the Least Restrictive Strategy of Identification

As stated in the Aadhaar judgment, the state will need to legitimize the bill, which is in any way impeding the achievement of its goal. With an enactment as deeply meddling as this, it becomes fairly obvious to consider the types of goals the state is attempting to achieve within the framework. What could this foundation of characters conceivably accomplish? Aside from posing a genuine threat to the security of those on the list, an investigative apparatus that relies heavily on this database to uncover wrongdoings would also trump the concept of assumption of innocence, which is protected under the right to a fair trial.

Even in the event that the state is able to legitimize an authentic objective behind the bill, its arrangements are likely to fail the slightest prohibitive degree test as there are similarly viable alternatives or mechanisms to it. For illustration, the elective strategies may include the eradication of the DNA tests of all suspects and their family members once the trial is over, deciding a time constraint for recorded offenses, or confining non-consensual DNA collection to exceptionally particular occasions. Such arrangements have proven beneficial in countries such as the United States and the United Kingdom. Furthermore, there is evidence to suggest that DNA profiling may not be the most precise way of distinguishing people due to inevitabilities such as blood transfusions, bone marrow transplants, and other instances of the close proximity of different genomes within the human body. In that case, collecting DNA tests will not be the most compelling, let alone the least prohibitive, strategy for distinguishing proof.

### Principal Right to Privacy vs. Public Interest

On the issue of proportionality, the state would attempt to legitimize the bill on the grounds of a bigger open intrigued in expedient equity conveyance. On the basis of judgments such as Bhabani Prasad Jena v. Convenor Secretary, which unequivocally called for a work-out of adjustment by the court in any case where an accused denied to experience restorative examination, a contention of the adjustment of state intrigue with citizens' rights can be made. In any case, to claim "compelling state interest," as recognized in Anuj Garg v. Lodging Association of India under the broader "strict examination test," the state would have to demonstrate that it has received a strategy that infringes the fundamental rights in the strictest conceivable way, so that a sensitive balance is maintained between the fundamental rights of the individual and the larger interests of society.

### Conclusion

The DNA Technology (Use and Application) Regulation Bill, 2019 was presented in the Lok Sabha. The bill looks to guarantee that with the proposed extended use of this innovation in this nation. The foundation of the National and Regional DNA Information Banks, as envisaged within the bill, will help in measurable examinations. With great control comes great duty. By putting forward this bill, the Indian government is undertaking a genuinely momentous errand of DNA Technology Regulation.

This will help in the logical progression and streamlining of the DNA testing exercises within the nation. There's a passionate necessity on the part of the Government to maintain, secure, include, revise, and keep up the bill.



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