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Title: Introduction of the DNA Technology (Use and Application) Regulation Bill, 2019 (Bill Introduced).

**THE MINISTER OF HEALTH AND FAMILY WELFARE;
MINISTER OF SCIENCE AND TECHNOLOGY, AND
MINISTER OF EARTH SCIENCES (SHRI HARSH VARDHAN) :**

Sir, I beg to move for leave to introduce a Bill to provide for the regulation of use and application of Deoxyribonucleic Acid (DNA) technology for the purposes of establishing the identity of certain categories of persons including the victims, offenders, suspects, undertrials, missing persons and unknown deceased persons and for matters connected therewith or incidental thereto.

माननीय अध्यक्ष : प्रस्ताव प्रस्तुत हुआ:

“कि कतिपय प्रवर्ग के व्यक्तियों की, जिसके अंतर्गत पीड़ित, अपराधी, संदिग्ध विचारणाधीन, लापता व्यक्ति और अज्ञात मृत व्यक्ति भी है, पहचान स्थापित करने के प्रयोजनों के लिए डिआक्सीराइबो न्यूक्लीक एसिड (डीएनए) प्रौद्योगिकी के प्रयोग और लागू होने के विनियमन का उपबंध करने के लिए और उससे संबंधित या उसके आनुषंगिक विषयों का उपबंध करने वाले विधेयक को पुरःस्थापित करने की अनुमति दी जाए।”

DR. SHASHI THAROOR (THIRUVANANTHAPURAM): Sir, I have submitted a notice for opposing the introduction of this Bill ...
(*interruptions*)

SHRI ADHIR RANJAN CHOWDHURY (BAHARAMPUR): Sir, I have submitted a notice in a proper manner for opposing the introduction of the DNA Technology Regulation Bill. ...(*Interruptions*)

SHRI T. R. BAALU (SRIPERUMBUDUR): Sir, I have given a notice of Adjournment Motion. The House should be adjourned to discuss the matter which I have mentioned. ...(*Interruptions*)

HON. SPEAKER: Please sit down.

... (*Interruptions*)

माननीय अध्यक्ष : माननीय सदस्य, कृपया बैठ जाइए । मैंने आपको व्यवस्था दी थी । मैंने कहा था कि सदन के पटल पर और विधेयक को सभा में रखने के बाद मैं आपको और इनको बोलने की परमीशन दूँगा । मैं यह व्यवस्था दे चुका हूँ ।

...(व्यवधान)

श्री अधीर रंजन चौधरी: सर, वह अलग बात है ।...(व्यवधान)

HON. SPEAKER : Dr. Shashi Tharoor.

... (*Interruptions*)

DR. SHASHI THAROOR : Sir, if you are going to go ahead with the introduction of the Bill, then I have the right to oppose it. I have given the notice in time but that is under Item No. 13 but I also support the request of our leader that before we get into the eight Bills, you should allow him to speak on a matter of urgent public importance and then we may come to this. But then if you are going to go ahead, I would like to object as is my right. Is that okay, Sir?

Sir, I rise to oppose the introduction of the Bill listed against Dr. Harsh Vardhan.

माननीय अध्यक्ष : माननीय सदस्य आप उस पर नहीं बोलें । मैं उस पर आपको व्यवस्था दे रहा हूँ । पहले इस पर बोल लें ।

श्री अधीर रंजन चौधरी जी ।

श्री अधीर रंजन चौधरी: सर, किस पर बोलें?

माननीय अध्यक्ष : आप आइटम नम्बर 13 पर बोलें ।

...(व्यवधान)

श्री अधीर रंजन चौधरी: सर, हम अपनी पार्टी का मुद्दा उठाने की कोशिश कर रहे हैं । Sir, I would like to flag the attention of you and the entire august House.

माननीय अध्यक्ष : माननीय सदस्य, क्या आप पहले आइटम नम्बर 13 पर बोल रहे हैं?

श्री अधीर रंजन चौधरी : मैं एडजर्नमेंट मोशन पर बोल रहा हूँ ।...(व्यवधान)

माननीय अध्यक्ष : उस पर इसके बाद बोलिए । उसकी मैं व्यवस्था दे रहा हूँ । आप आइटम नम्बर 13 पर बोलना चाहते हैं, तो बोलें ।

SHRI ADHIR RANJAN CHOWDHURY: Sir, I am opposing the introduction of DNA Technology (Use and Application) Regulation Bill, 2019.

Our country has been progressing and we need to resort to various applications of modern technology. There is no doubt about it. I also admit the fact that the hon. Minister has tried to present a comprehensive Bill.

However, I would like to inform him that there is a gap between the cup and the lip. First of all, you are going to violate the fundamental rights of the people of our country because you have proposed DNA testing of undertrials in a compulsory manner. Rather, it is a mandatory

provision which you have inserted in the Bill which is contrary to the fundamental rights of an individual.

Therefore, we find no alternative but to oppose the introduction of the flawed legislative document. The reasons are as follows. It inadequately regulates use of DNA in civil matters as it is silent on consent, storage and removal of profiles. It does not assert individual rights such as right to notification of storage, right to appeal and challenge storage of DNA samples.

It does little to address the capacity constraints of the law enforcement agencies, and neither does it provide a roadmap towards building capacity. The proposed regulatory board is too powerful and its functioning is too opaque. The proposed cost of the project is highly underestimated forcing one to wonder if an adequate cost benefit analysis was carried out.

मंत्री जी, अंडरट्रायल्स वाले भी तो हमारी आम जनता है । अंडरट्रायल जब तक कन्विकटेड नहीं होगा, आप उनका डीएनए ले लेंगे, उसके बाद क्या होगा ।

आप कहते हैं कि बाद में कोर्ट में जाओ, लेकिन जब आप डी.एन.ए. को कलेक्ट करते हैं तो उसे कलेक्ट करने के पहले ही आप कोर्ट का ऑर्डर क्यों नहीं मुहैया कराते? मैं प्रपोज करता हूं कि डी.एन.ए. टेस्ट के बारे में जो कंसर्न है, वह कोर्ट के ऑर्डर की हैसियत से हो । आप कहते हैं कि बाद में कोर्ट का ऑर्डर लेकर इसका रिमूवल किया जाए, पर हम चाहते हैं कि यह पहले हो ।

सर, ये जो आम लोगों के ऊपर स्टिग्मा लगाना चाहते हैं, यह सरासर हमारे फंडामेंटल राइट्स के खिलाफ है । इसलिए मैं इसका विरोध करता हूं ।

DR. SHASHI THAROOR : Sir, I too have similar but additional concerns. This Bill, first of all, risks indeed, as Shri Adhir Ranjan Chowdhury has said, the concern of data profiling and the institution of a surveillance state against the ordinary person in this country. But far more troubling, procedurally, is this. There is a Supreme Court judgment in the Puttuswamy case on privacy after which the Government promised to bring a Data Protection Law which would guarantee the protection of all the data of the citizens. DNA is also data. How can you pass the DNA Bill first when you do not have a Data Protection Law yet? Clearly, the Data Protection Law must be the basis and the DNA Bill must be in consonance with such a Data Protection Law. He is putting the cart before the horse. He must take the cart back, bring a good horse, and then, we can see....(*Interruptions*)

माननीय अध्यक्ष: माननीय मंत्री जी, क्या आप कुछ बोलना चाहते हैं?

DR. HARSH VARDHAN: Sir, I wish to inform the hon. Members, through you, that all these concerns which have been talked about and raised here, I do not think there is any serious substance in them. When we discuss this Bill, each and every concern will be addressed. That is number one.

Secondly, I would like to inform them that this Bill was passed in the last Lok Sabha also. This Bill was conceived at the time when the NDA Government was in power earlier during Atalji's regime. For 10 years, their Government also discussed this Bill. They got it scrutinised through every possible forum. It was only that in those 10 years, it was never passed. Then we took it up in 2014. We got it scrutinised through all forums including the Parliamentary Standing Committee, Law

Commission, Law Department and every possible place. Then, it was brought here. We had a good quality discussion here and then it was passed in Lok Sabha. It has been brought again because it could not become a law. It could not be sent to the Rajya Sabha because of paucity of time. So, I promise that when we discuss this Bill in this House, we will address each and every issue that has been raised by them....
(Interruptions)

माननीय अध्यक्ष : प्रश्न यह है:

“कि कतिपय प्रवर्ग के व्यक्तियों की, जिसके अंतर्गत पीड़ित, अपराधी, संदिग्ध विचारणाधीन, लापता व्यक्ति और अज्ञात मृत व्यक्ति भी है, पहचान स्थापित करने के प्रयोजनों के लिए डिआक्सीराइबो न्यूक्लीक एसिड (डीएनए) प्रौद्योगिकी के प्रयोग और लागू होने के विनियमन का उपबंध करने के लिए और उससे संबंधित या उसके आनुषंगिक विषयों का उपबंध करने वाले विधेयक को पुरःस्थापित करने की अनुमति दी जाए ।”

प्रस्ताव स्वीकृत हुआ ।

DR. HARSH VARDHAN: Sir, I introduce* the Bill.