

THE DEOXYRIBONUCLEIC ACID (DNA) EVIDENCE ACT 2014

An Act to provide the collection of DNA sample, its analysis, determination of analysis procedure, quality assurance, used of DNA profiles, establishment of forensic DNA laboratory, establishment of a National DNA Database and related issues.

It is hereby enacted as follows:-

CONTENT

SECTION I: INTRODUCTORY

1. Short title, extent and commencement

(a) This act may be cited as the Deoxyribonucleic Acid (DNA) Evidence Act, 2014.

(b) The Act shall come into effect on a date to be fixed by the President by proclamation.

2. Definitions

(a) Crime scene means

- i. Any place where a crime has been committed
- ii. Anything deposited on the body of a person who is the victim of a crime or any item carried by a person in relation to the crime
- iii. Items recovered from a place different from the crime scene

(b) DNA department means- department created under section 20

(c) DNA Advisory Board means – body created under section 16

(d) Technical Committee means - body created under section 19

(e) 'DNA' means- Deoxyribonucleic Acid

(f) DNA sample means-

- i. Bodily substance
- ii. Tissue sample
- iii. Biological substance recovered from clothing
- iv. Item recovered from the crime scene
- v. Any other sources as determined by the rules

- (g) 'DNA profile' means- combination of genotypes obtained from minimum 10 loci along the DNA molecule and expressed as alpha-numeric value obtained from the DNA analytical process.
- (h) 'DNA Lab' means- DNA Laboratory established under section 14.
- (i) 'Designated person' means- person having adequate qualification and experience in conducting medico-legal examination, forensic doctor, police officers or any other person as determined by the government.
- (j) 'Police officer' means- Officer not below the rank of Sub-inspector of Police
- (k) 'Criminal proceedings' means- Code of Criminal Procedure, 1898 (Act V of 1898);
- (l) 'Person' means- Any individual, organization, company or their representatives;
- (m) 'Qualified persons' means- Persons having a minimum Masters degree in Biochemistry, Molecular Biology or Biotechnology from any university recognized by the government;

SECTION II: COLLECTION, PRESERVATION AND ANALYSIS OF DNA SAMPLES

- 3. Preference of the act
- 4. Request to provide DNA sample
- 5. Places where DNA samples should be collected
- 6. Written informed consent
- 7. When a person does not consent to provide DNA sample
- 8. Collection of DNA sample with court order
- 9. Collection of DNA samples from children or incapable person
- 10. Procedures for DNA sample collection
- 11. Procedures for DNA analysis
- 12. Uses of DNA sample and DNA profiles
- 13. Preservation of DNA sample and DNA profiles

SECTION III: ESTABLISHMENT OF FORENSIC DNA LABORATORY

- 14. Establishment of a DNA laboratory
- 15. Quality assurance of DNA analysis

SECTION IV: ADVISORY BOARD AND TECHNICAL COMMITTEE

- 16. DNA Advisory Board

17. Terms of reference of the DNA Advisory Board
18. Meeting of DNA Advisory Board
19. Technical Committee
20. Establishment of a DNA department
21. Director General
22. Manpower and recruitment process
23. Establishment of a DNA cell (Until the DNA department is established)

SECTION V: DNA DATABASE

24. Establishment of a DNA Database

(a) The Government shall establish a National DNA Database containing DNA profiles under the following indices:

- (i) Crime Scene Index
- (ii) Convicted Offender's Index
- (iii) Missing Person's Index
- (iv) Any other index as determined by the government

(b) The indices described above in section 24 (a) will contain DNA profiles as well as other related information (e.g. fingerprint, case history and other metadata)

25. Securing DNA Database

The DNA profile data in the DNA Database shall be secured by the rules as determined by the government

26. Restriction in the access of DNA Database

The access to the National DNA Database shall be restricted by the rules as determined by the government

27. Collaboration with international law enforcing agencies

The act shall mandate the collaboration and exchange of DNA data with international law enforcing agencies or law enforcing agencies of any other government in order to take the

full advantage of the power of DNA technology and can join any organization and network recognized internationally.

SECTION VI: PENALTY/PUNISHMENT

28. Penalty for carrying out unauthorized forensic DNA activities
29. Penalty for disclosure of DNA information or use
30. Destroying or tempering DNA evidence
31. Penalty for unauthorized access to the DNA Database
32. Unauthorized DNA related activities by any company/organization
33. Use of criminal proceedings
34. Punishment for unauthorized activities as describe in section 28, 29, 30 and 31
35. Special rule for financial penalty
36. Negligence in sample collection
37. Evidentiary value of a DNA profile
38. Exemption of the DNA expert to appear before court
39. Authority to formulate rules
40. Removal or any conflict with regard to the implementation of the act
41. Publication of an authentic English of the act.

CAUTION: THIS DOCUMENT IS NOT AUTHENTIC ENGLISH TEXT OF THE ACT AS APPROVED BY THE GOVERNMENT.



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