



## Notice for the PhD Viva Voce Examination

Mr Abhishek Sharma P (Registration Number: 2072002), PhD scholar at the School of Law, CHRIST (Deemed to be University), Bangalore will defend his PhD thesis at the public viva-voce examination on Monday, 28 August, 2023 at 10.30 am in Room No. 044, Ground Floor, R & D Block, CHRIST (Deemed to be University), Bengaluru - 560029.

- Title of the Thesis** : **Admissibility of DNA Profiling Evidence in Criminal Trials in India: A Comparative Study with Specific Reference to Legal Systems of United States of America and England**
- Discipline** : **Law**
- External Examiner (Outside Karnataka)** : **Dr K V K Santhy**  
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- External Examiner (Within Karnataka)** : **Dr Sujith P Surendran**  
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- Supervisor** : **Dr Sapna S**  
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The members of the Research Advisory Committee of the Scholar, the faculty members of the Department and the School, interested experts and research scholars of all the branches of research are cordially invited to attend this open viva-voce examination.

**Place:** Bengaluru  
**Date:** 22 August 2023

**Registrar**  
Registrar

CHRIST (Deemed to be University)  
Bengaluru - 560 029

## ABSTRACT

The use of Forensic technique of DNA profiling now constitutes a standard element of the system of Law Enforcement, and the findings of DNA testing are often acceptable in the proceedings of Legal cases. Despite the fact that they first relied on Expert Testimony based on DNA Evidence, the Courts in India have come to acknowledge DNA Evidence as both a fact that is significant to the case as well as proof that is conclusive. On the other hand, the scope of guilt that is capable of being concluded from a seeming match between samples is a topic of on-going debate. In most cases, it will merely be capable to locate the position of a suspect in relation to the site of the Crime. The uncritical acceptance of this Forensic Evidence as the objective answer to the challenge of determining the identity of a criminal raises the potential for scientific appropriation of the Criminal Justice system. In the vast majority of contested Legal proceedings involving Criminal offenses, the issue at hand is not one of identification but rather one of Intent or Mens-Rea, and DNA Evidence is irrelevant in this regard. Additionally, it is imperative to create a Regulatory framework which controls how the Forensic technique of DNA Profiling is used and applied with the objective to ensure its methodical and organized implementation. In light of this, it is very important to make rules about DNA Profiling that will only allow it to be used for Legal investigations. In an effort to regulate DNA profiling in the country, the DNA Technology (Use and Application) Regulation Bill, 2019 has been proposed.

The emphasis of this study is the particular difficulties experienced by the Indian Judicial system as a consequence of introducing this novel Forensic technique into the Criminal Proceedings, and the research aims to examine the evolution and use of DNA profiling in India. The study investigates the manner in which DNA technology- based Evidence is evaluated distinctively within the Legal frameworks of England and the United States of America, along with the phases of Forensic technique of DNA Profiling Evidence, its acceptance in India, along with the influence of Supreme Court decisions on the admissibility of DNA Profiling Evidence in Criminal Trials. An analysis of the DNA Technology (Use and Application) Regulation Bill, 2019, which sheds light on a wide range of Ethical, Social, and Legal concerns that must be addressed prior to the Bill's implementation, is provided in the interest of ensuring that this Technology is managed democratically to preserve the Civil freedoms of citizens.

Keywords: *Forensic Sciences, DNA Profiling, Liberty, Constitution, Criminal Trials*

### Publications:

1. **Abhishek Sharma Padmanabhan**, Sapna S, "Forensic Investigation Approaches of DNA Analysis and Criminal Investigation", *International Journal of Safety and Security Engineering*, Volume 13 No 1, pp. 129–137, 2023 <https://doi.org/10.18280/ijssse.130115>
2. **Abhishek Sharma Padmanabhan**, Sapna S, "A Study on DNA Profiling Techniques and Transnational Exchange of DNA Data from Databank", *Revue d'IntelligenceArtificielle*, Vol. 36, No. 3, pp. 427-438, 2022 <https://doi.org/10.18280/ria.360310>
3. **Abhishek Sharma Padmanabhan**, Sapna S, Amit Chauhan, "DNA Evidence and Criminalistics: Perspectives of Legal Issues", *International Journal of Early Childhood Special Education*, Volume 14 No 2, pp. 3708-3713, 2022