

The Role of DNA Evidence in Determining Paternity in India: A Study of Cases from the Legal and Scientific Perspective

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Abstract : A paradigm shift has been noticed in the interpretation of DNA evidence for determining paternity. Sometimes DNA evidence has been accepted while sometimes it was rejected by the Indian Courts. Courts have forwarded various justifications for acceptance and rejection of such evidence through legal and scientific means. Laws have also been changed to accommodate the necessities of society. Balances between both the legal and scientific approaches are required, to make the best possible use of DNA evidence for the well-being of the society. Specifications are to be framed as to when such evidence can be used in the future by pointing out the pros and cons. Judicial trend is to be formulated to find out the present situation. The study of cases of superior courts of India using an analytical and theoretical approach is driving the questions regarding the shared identity of the legal and scientific approaches. To assimilate the differences between the two approaches, the basic differences between them have to be formulated. Revelations are required to access the favorable decisions using the DNA evidence. Reasons are to be forwarded for the unfavorable decisions and the approach preferred in such cases. The outcome of the two methods has to be assessed in relation to the parties to the dispute, the society at large, the researcher and from the judicial point of view. The dependability of the two methods is to be studied in relation to the justice delivery system. A highlight of the chronological study of cases along with the changes in the laws with the aid of presumptions will address the questions of necessity of a method according to the facts and situations. Address is required in this respect whether the legal and scientific forces converge somewhere pushing the traditional identification of paternity towards a fundamental change.

Keywords : cases, evidence, legal, scientific

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