

TAPPING A NEW HORIZON IN CRIMINAL INVESTIGATION

## Use of DNA test limps for lack of laws, funds

DURDANA GHAS

Application of DNA test in the criminal investigation process has opened a new opportunity for identifying criminals but in the absence of specific laws and enough funds to set up more than one DNA lab in the country, the fruits of DNA technology could not be reached the mass level.

Investigators have been using DNA tests in solving criminal cases since 2006 but still the plaintiffs have to depend on the judges' discretionary power in

accepting DNA test in the investigation process as there is no law making the test mandatory for the accused.

The evidence act now being followed in the trial of criminal cases was enacted in 1872. A revised evidence act is being formulated and the experts are working to include a section on DNA technology in it, sources said.

Enacting a new set of laws on the use of DNA technology can speed up the judicial process and lessen the time of trial in many ways, said experts.

The lone DNA laboratory of the country, officially named as the National Forensic DNA Profiling Laboratory, has been set up at the Dhaka Medical College under Multisectoral Programme on Violence Against Women, a DANIDA-funded project of the Ministry of Women and Children Affairs.

The lab deals with the police cases that carry a court order for DNA test.

Dr Abul Hossain, the project director, said that at present DNA tests are accepted in court as 'scientific evidence' under the

evidence act of 1872 but the court cannot force any person to do the test.

"We cannot say about the success of the cases that need DNA tests. We do not follow the development of the cases," he said.

Dr Sharif Akhteruzzaman, national technical adviser and head of the laboratory, said that new laws on the use of DNA technology in investigation process and the validity of the test as evidence in the court can speed up trials and save time of investigation.

"In many countries DNA technology is being used as a tool to convict murders, rapists and other criminals. In Bangladesh the practice has initiated but a new set of laws will be needed to keep it going," he said.

"So far we have not faced any problem with accepting DNA tests in court. Almost all the judges have shown positive attitude," he added.

Rape cases are hard to solve as the suspects mostly do not agree to do DNA tests. "Often rape cases do not see success. In most cases police cannot produce the suspect to the lab because either they cannot arrest them or the suspects do not agree to do DNA tests," said Dr Sharif.

"Without the tests we cannot reach any conclusion and the victims don't get the benefits. This is a very frustrating picture," he added.

Supreme Court lawyer Khan Saifur Rahman said, "If a suspect refuses to do DNA test then there is nothing court can do. Therefore, new laws are needed to force suspects to do the test. For an example, the case of seven children of the former DIG of police Anisur Rahman remained unsolved after the DIG refused to do DNA test to prove his paternity."

Judges, lawyers and magistrates should be trained so that they can understand properly what a DNA profile is. Often a scientific officer has to go to the court to decipher the test results, which would not have been needed if the legal experts knew about it.

"As most lawyers don't know about DNA tests when a scientific officer goes to court he is asked simple questions like 'Is the DNA test authentic?' There is virtually no one to challenge him. But in the developed countries where the legal experts know a lot about DNA profiles they can ask clever and relevant questions which stops experts from changing the results using unfair means," said a

CONTINUED ON PAGE 22



Scientists at work at the DNA lab at Dhaka Medical College.

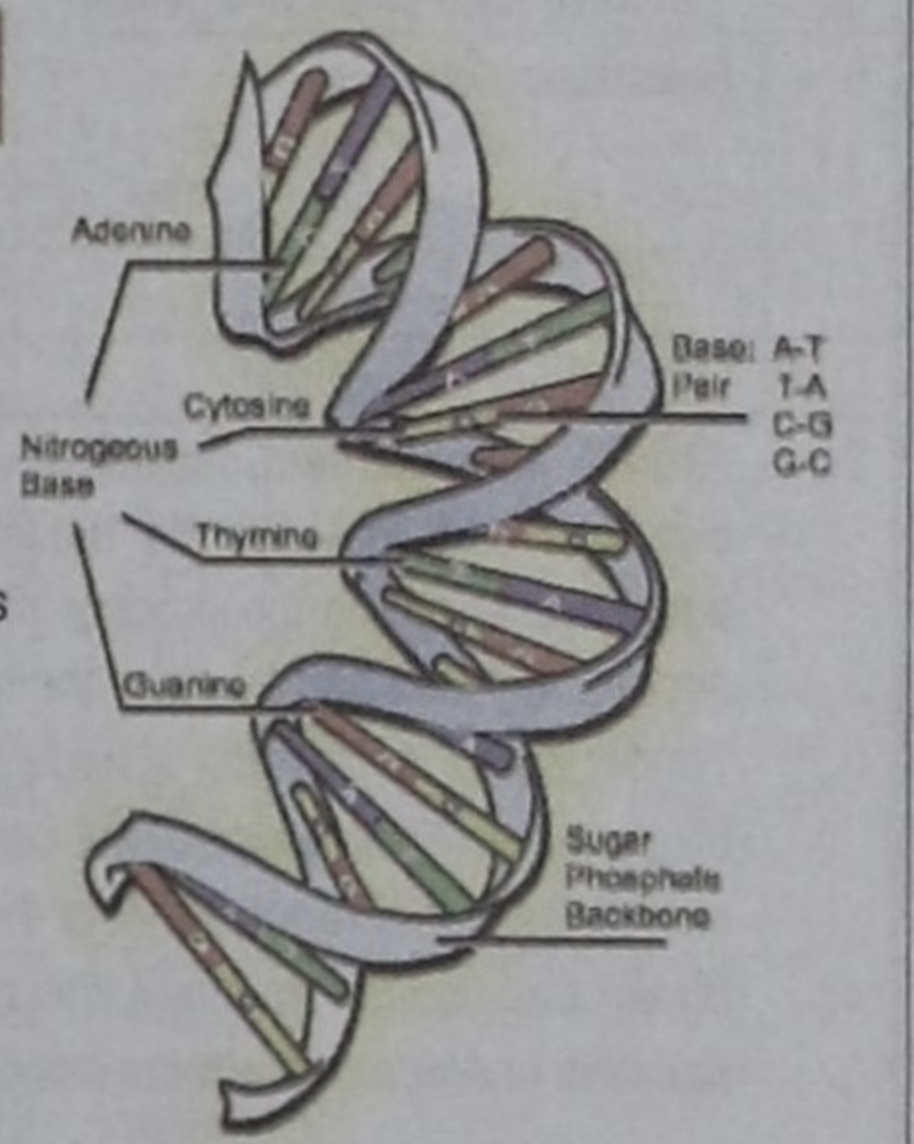
### What is DNA?

DNA or Deoxyribo Nucleic Acid is a fundamental element of a person's gene. It is a threadlike chemical element nestled in the centre of the nucleus of a cell. DNA can be collected from a suspect's blood, saliva, semen, hair, muscle, tooth, bones and any part of his body including dandruff and nails no matter how small.

The DNA map of an individual contains all kinds of information about that person. One person's DNA map is unique like finger prints so it can help in identifying the criminals in murder, rape and other cases.

DNA profiling is a scientific procedure through which a suspect's DNA is compared with the DNA samples collected from the crime scene. If the suspect's DNA matches then he is proved convicted.

A person's DNA profile is 99.9 percent similar to that of another person. The difference is only 0.1 percent. This difference in DNA makes an individual unique from any other person in the world.



The queue gets longer in proportion with spiralling prices. There were long queues for rice at the BDR outlets in the city yesterday although prices did not make any significant rise. People from low-income groups are finding it difficult to cope with the situation with their limited income as prices of other essentials went up simultaneously.



Hilton Hotel: A big signboard still heralds its control on the Begunbari canal.

### RECOVERING BEGUNBARI CANAL

## No visible step yet to cancel two plot allotments

TAWFIQUE ALI

The government is yet to take any concrete step to cancel allotment of plots to Hotel Hilton and Federation of Bangladesh Chambers of Commerce and Industries (FBCCI) in the city's Begunbari canal area despite anomalies and public outcry.

A big signboard of the hotel and the compound of the apex trade body remain intact as the two influential organisations are strongly lobbying at the top level of the government to retain the allotments.

Plot allotments to Bangladesh Textile Mills Association (BTMA) and International Arbitration Centre have meanwhile been cancelled.

The issue was discussed at a recent inter-ministerial meeting chaired by the law adviser and attended by high officials of law, land, communications and LGRD ministries.

Director General (DG) of Bangladesh Railway Belayet Hossain who was present at the meeting said that the cancellation issue was discussed at the meeting but the government has not yet taken any decision on cancellation of the plots.

The BNP-Jamaat coalition government at the fag end of its tenure leased out eight large plots in the Begunbari Canal area, a designated flood flow zone, to Hotel Hilton, FBCCI, BTMA, International Arbitration Centre and four CNG filling stations in violation of the city's master plan and railway's land management rules of 2006.

The allotments were made also violating environment and wetland conservation laws. The Wetland Protection Act of 2000 prohibits earth filling in canals.

There was no public bidding for leasing out the plots though it is a vital precondition as per railway's land management rules, said sources, the then communications minister made these anomalous deals applying his 'discretionary' authority.

A high official of railway said seeking anonymity that the allotments can be cancelled just on the ground that leases were not made through open tender.

The government rented out 4.16 acres of land to Hotel Hilton in the canal along the Tongi Diversion Road and another one acre to the FBCCI towards the east of Sonargaon Hotel at a token price of Tk1 lakh. But railway sources said one acre of land in that location should cost more than Tk150 crore at present day market price.

According to a top railway official, Hotel Hilton authorities

A big signboard of the hotel and the compound of the apex trade body remain intact as the two influential organisations are strongly lobbying at the top level of the government to retain the allotments.



FBCCI building: The authorities are still tight-lipped about its fate.

have taken possession of the land with a boundary wall on their own, though the railway authorities have not handed over the possession.

As per contract, government treasury will get Tk 35 for per square feet of the 4.14 acres of land leased out for 60 years to Hilton Hotel as land rent and a share of only 1.5 percent of the hotel's total sale per year.

According to the railway officials, in case of renting out land under such deal the term must not exceed five years and it must be renewable after each term.

once got tangled in lengthy paperwork and forwarding and receiving files.

According to sources, railway authorities forwarded files case by case to the communications ministry but did not produce all the relevant documents like copies of agreements. Files were sent back to railway asking for complete documents.

The law adviser of the communications ministry in his opinion recommended cancellation of plots leased out to FBCCI and Hotel Hilton. The files are now with the law ministry.

Earlier, the Good Governance and Development

Committee of the Prime Minister's Office took a decision to retrieve 13 old-day canals in and around the capital city, in which Begunbari Canal features prominently.

According to environmental lawyers, occupying and earth filling of Begunbari canal is a violation of the Wetland Protection Act of 2000, DMDP and the Environment Conservation Act of 1995.

The Wetland Protection Act defines any river and canal or any wetlands that retains rainwater as a natural wetland.

The Dhaka Metropolitan Development Plan (DMDP)

CONTINUED ON PAGE 22