



ABSTRACT

After the innovative discovery of DNA (Deoxyribonucleic Acid) technology, it has been established as a prime technique to resolve major crimes by analyzing the DNA evidence gathered from a crime scene. Since DNA is highly reliable than other evidence, it can help forensic scientists and law enforcement agencies to have a clear and effective way to identify the offenders involved in a crime. In addition, establishing DNA profile databases will help law enforcement agencies in a state to identify a suspect by comparing his DNA with a database.

Sri Lanka adopted DNA evidence in 1990s without a formal Act of Parliament via the existing Evidence Ordinance and Code of Criminal Procedure. Although we have made a considerable progress as shown in this research, our techniques and procedures are inadequate and there are no legal rules to ensure the required standards that prescribed in advance jurisdictions. USA has made rapid progress in DNA evidence and neighboring India too has made a tremendous progress including the enactment of a DNA Bill on 2018. By contrast, there are no formal laws in Sri Lanka on DNA evidence and associated aspects including laws to regulate DNA data banks that directly involve Right to Privacy both under the Sri Lankan Constitution and International law.

This thesis identifies the shortfalls and legal lacunae related to DNA evidence in Sri Lanka in comparison to USA and India and make recommendations to overcome them.

Key Words: DNA profile databases, Right to Privacy, DNA evidence, laboratory standards.