Polity & Governance · GS - II

Right to privacy is intrinsic to life and personal liberty and is inherently protected under Article 21 of the constitution. Explain. In this reference discuss the law relating to D.N.A. testing of child in the womb to establish its paternity.

EXAM YEAR	PAPER	SUBJECT
2024	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~250 words

Answer Hint

Article 21, right to privacy, K.S. Puttaswamy judgment, bodily autonomy, dignity, DNA testing, paternity, unborn child, proportionality, best interests of child, judicial discretion

Model Answer

Introduction

The Supreme Court in **K.S. Puttaswamy v. Union of India (2017)** recognised privacy as an intrinsic part of life and personal liberty under Article 21. It encompasses bodily integrity, autonomy, dignity and decisional privacy.

Privacy and Article 21

The right to privacy protects individuals against unjustified State or private intrusion into intimate aspects of life. However, it is **not absolute**. Any invasion must satisfy legality, legitimate State purpose, proportionality and procedural safeguards.

DNA Testing and Paternity

DNA testing is a powerful scientific tool for determining biological relationships, but compulsory testing can intrude upon bodily autonomy and privacy. It may also affect the dignity and psychological well-being of a child.

Courts therefore do not order DNA tests mechanically merely because paternity is disputed. The competing interests of **truth-finding, privacy, family stability and the child's welfare** must be balanced.

The Supreme Court has emphasised that where paternity is in issue, DNA testing is an extremely sensitive matter. A court should direct such testing only when it is **eminently necessary for a just decision**, after considering the circumstances of the case.

In cases involving a child in the womb, the concerns are even more sensitive because testing may involve the mother's body and potentially affect the interests and dignity of the unborn child.

Conclusion

Thus, DNA technology can assist the administration of justice, but **scientific possibility does not automatically create legal entitlement to testing**. Courts must reconcile truth-finding with privacy, dignity, bodily autonomy and the best interests of the child.

BECOME IAS
AI POWERED UPSC PREP