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Supreme Court on DNA Testing in Paternity Disputes

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The Supreme Court of India recently ruled that courts should not routinely order DNA tests in paternity disputes, especially when such tests may affect a child's legitimacy, dignity, and privacy. The judgment reaffirmed that DNA testing should be used only in exceptional circumstances when it is absolutely necessary for delivering justice.?

Background of the Case:

The case involved a paternity dispute in which a husband sought a DNA test to challenge the legitimacy of a child born during a valid marriage. The Supreme Court emphasized that scientific evidence, though highly accurate, cannot automatically override legal presumptions provided under Indian law. The Court stressed the need to balance the search for truth with the protection of individual rights and family stability.

Supreme Court's Observation:

The Court observed that DNA tests have far-reaching consequences and may stigmatize a child by questioning their legitimacy. Therefore, such tests cannot be ordered as a matter of routine. Courts must carefully examine whether a DNA test is indispensable for resolving the dispute and whether there are less intrusive alternatives available.

The judgment highlighted that a person's right to privacy, dignity, and bodily integrity must be considered before directing any genetic testing.

Legal Provisions Involved:

Section 112 of the Indian Evidence Act, 1872

Section 112 provides that a child born during the continuance of a valid marriage, or within 280 days after its dissolution (if the mother remains unmarried), is presumed to be the legitimate child of the husband.

This presumption can be challenged only by proving non-access between the husband and wife during the period when conception could have occurred.

Kamaraj IAS Academy

Plot A P.127, AF block, 6 th street, 11th Main Rd, Shanthy Colony, Anna Nagar, Chennai, Tamil Nadu 600040
Phone: 044 4353 9988 / 98403 94477 / Whatsapp : 09710729833

Right to Privacy

The ruling also draws strength from the landmark Justice K.S. Puttaswamy v. Union of India (2017) judgment, in which the Supreme Court recognized the Right to Privacy as a Fundamental Right under Article 21 of the Constitution.

Indian Evidence Act, 1872:

Enacted during British rule.

Governs the admissibility and relevance of evidence in Indian courts.

Replaced by the Bharatiya Sakshya Adhinyam, 2023, which came into force on 1 July 2024.

Bharatiya Sakshya Adhinyam, 2023

Modernized India's evidence law framework.

Retains provisions relating to legitimacy and evidentiary presumptions with suitable updates.

Part of the three new criminal law reforms:

Bharatiya Nyaya Sanhita, 2023

Bharatiya Nagarik Suraksha Sanhita, 2023

Bharatiya Sakshya Adhinyam, 2023

DNA (Deoxyribonucleic Acid)

DNA carries hereditary genetic information.

DNA profiling is widely used in criminal investigations, forensic science, paternity disputes, and identification of missing persons.

DNA testing is considered one of the most accurate methods of establishing biological relationships.

Significance of the Judgment

The judgment reinforces the principle that scientific advancements must be balanced with constitutional values. It protects children from unnecessary social stigma, preserves family relationships, and safeguards individual privacy while ensuring that courts retain the power to order DNA tests in exceptional cases where justice demands it.