REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

ROHIT SHEKHAR V. NARAYAN DUTT TIWARI (2012)

BENCH: Mr. Justice Dalveer Bhandari & Mr. Justice Dipak Misra **DECIDED:** April 27, 2012

RATIO DECIDENDI & PRECEDENTIAL CRUX:
Court has inherent power to compel DNA paternity testing; child's right to know biological paternity overrides alleged father's right to bodily privacy.

1. Factual Matrix & Background:

The plaintiff instituted a civil suit for declaration that he was the biological son of the respondent, a prominent political figure. The respondent refused to give a blood sample for a DNA test, contending that forcing him to give blood violated his constitutional right to privacy and bodily integrity under Article 21.

2. Substantive Legal Questions Framed:

Whether a civil court can compel a defendant to undergo a DNA paternity test, and whether such direction violates the right to privacy under Article 21.

3. Analysis & Ratio Decidendi:

The Supreme Court held that civil courts have power under Section 151 CPC to direct DNA testing where a strong prima facie case is made out. A child has a fundamental right to know their biological parentage and identity under Article 21. The right to know biological parentage outweighs the bodily privacy of the putative father. The Court directed police assistance to take a blood sample if the respondent refused to comply voluntarily.

4. Principles Enunciated:

- 1. Child has a fundamental right to know biological parentage under Article 21.
- 2. Civil courts can compel blood samples for DNA paternity analysis under Section 151.
- 3. Bodily privacy must yield to scientific truth in legitimacy and parentage disputes.

5. Practical Litigation Implications:

- In paternity and legitimacy disputes, establish a strong prima facie case with photographs, correspondence, and medical records to compel DNA testing under court supervision.

.....J.
[SUPREME COURT BENCH]

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