

ARTICLE



BETWEEN PRESUMPTION AND TRUTH: RETHINKING PATERNITY AND “CONCLUSIVE PROOF” IN THE LAW OF EVIDENCE

Venkatesh Subba Rao*

Abstract

Section 116 of the Bharatiya Sakshya Adhiniyam, 2023 retains a powerful marital presumption by declaring birth during the continuance of a valid marriage to be “conclusive proof” of legitimacy, subject to proof of non-access. This article explores whether the continued use of “conclusive proof” remains appropriate in evidence law when reliable scientific evidence can, in suitable cases, determine biological parentage. The author argues that the issue is not whether legitimacy should be protected or whether DNA testing should become routine. The narrower question is whether the law should continue to make the marital presumption irrebuttable when the factual question of biological paternity may sometimes be capable of responsible determination. The article approaches that question through statutory history, the Law Commission of India’s examination on the subject, the Supreme Court’s developing jurisprudence on paternity testing, and Indian literary and scriptural narratives concerning truth, lineage and disclosure. The article proposes a limited legislative reform. It recommends retaining a strong mandatory presumption of legitimacy while replacing “conclusive proof” with “shall presume”. The reform would also include safeguards concerning relevance, necessity, privacy, child welfare, and scientific reliability. The proposal seeks neither to privilege biology over law nor to diminish the protection of children, but to prevent an evidentiary presumption from becoming an absolute barrier to the ascertainment of truth where justice genuinely requires it.

Keywords – Conclusive Proof; Shall Presume; legitimacy; paternity; DNA evidence; legal presumptions; scientific temper; Satyakāma Jābāla; child welfare; biological origins.

I. INTRODUCTION

Section 116 of the Bharatiya Sakshya Adhiniyam, 2023 (“BSA”)¹ provides that birth during the continuance of a valid marriage, or within 280 days after its dissolution while the mother remains unmarried, is “conclusive proof” of legitimacy, unless it is shown that the spouses had no access to each other at any time when the child could have been begotten. Section 2(b) of the said Act gives “conclusive proof” a particularly strong effect. Once the foundational fact is established, the Court

* Research Scholar, Interdisciplinary Law, Tamil Nadu Dr Ambedkar Law University, Chennai.

¹ The Bharatiya Sakshya Adhiniyam, 2023 (Act 47 of 2023), s. 116.

must regard the consequential fact as proved. It also “shall not allow evidence to be given for the purpose of disproving it.”²

The presumption of legitimacy derives from the maxim, “*pater est quem nuptiae demonstrant*”, meaning “he is the father whom the marriage indicates to be so.” Rooted in the common law, this presumption was historically given considerable weight by English courts. Where a husband and wife were cohabiting and there was no evidence of the husband’s impotency or no access, the child born during the marriage was conclusively presumed to be legitimate, even where there was evidence that the wife had been unfaithful³.

The issue, therefore, is not simply whether a presumption should exist. It is whether the law should close the evidentiary inquiry altogether. There is an important reason for caution. The legitimacy presumption protects a child from being made the object of matrimonial controversy. It supports certainty of status, discourages intrusive inquiries into marital life and prevents children from bearing the consequences of disputes for which they are not responsible. These remain substantial values, and needed to be upheld.

The law may presume who the biological father is, but modern scientific evidence can now reliably determine whether that person actually is the biological father. The DNA evidence can, in an appropriate case, provide powerful evidence of biological relationship. The Supreme Court has consequently developed jurisprudence attempting to reconcile the legitimacy presumption with DNA testing, privacy, dignity and child welfare.

This article argues that the tension could be better addressed by changing the character of the presumption rather than judiciary continually developing exceptions around an absolute rule. Section 116 should retain a strong marital presumption, but “conclusive proof” should be replaced by “shall presume”. The person challenging the presumption would still carry the burden; testing would remain exceptional; and the legal consequences of biological non-paternity would remain distinct from the evidentiary question of biological fact. This proposed reform is therefore modest. It does not seek to make biology the sole determinant of legal parenthood. It seeks to ensure that a presumption remains a presumption.

II. INDIAN NARRATIVES ABOUT TRUTH, BIRTH AND LINEAGE

The argument for reconsidering section 116 of BSA can be illuminated, carefully and without converting literature into law, by two well-known Indian narratives. They should be used as intellectual material, not as sources of positive legal rules.

First one is about Satyakāma Jābāla the case of Truth “where lineage is unknown” and the second is Kunti- Karna episode from Mahabharatha, where the Truth of birth was not disclosed by Kunti till the very end.

The Chāndogya Upaniṣad⁴, tells the story of Satyakāma Jābāla, who wishes to live as a religious student and asks his mother, Jābālā, about his lineage. Her answer is significant precisely because it does not supply a known father or lineage. She tells him that she does not know his lineage; she was engaged in serving many people in her youth when she had him. She tells him her name is Jābālā and his is Satyakāma, and directs him to identify himself as Satyakāma Jābāla the son of Jabala.

² The Bharatiya Sakshya Adhiniyam, 2023 (Act 47 of 2023), s. 2(b)

³ Ivan Rathinam v. Milan Joseph, 2025 INSC 115.

⁴ Chāndogya Upaniṣad, 4.4.1–4.4.2

When Satyakāma approaches the sage Gautama Muni, who him asked about his lineage, he does not invent a genealogy. He reports exactly what his mother told him, namely, that he does not know his lineage, that his mother is Jābālā, and he is Satyakāma Jābālā⁵. Sage Gautama praises him and accepts him and, in the text, associates the candour of his answer with truthfulness⁶. And sage Satyakāma came to be highly venerated among the great sages from Vedic times. It is pertinent to note that the literal meaning of Satyakāma is Seeker of Truth!

The story does not establish a legal right to know biological parentage, nor does it prescribe an evidentiary rule. What it does provide is a literary treatment of a person whose paternal lineage is unknown and whose identity is not constructed through an invented assertion of ancestry. The text places weight on truthful disclosure of what is known and what is not known.

A brief reference may also be made to the Mahābhārata, where the later disclosure of Karṇa's birth illustrates that withholding knowledge of biological relationship can carry consequences for identity and kinship and may lead to catastrophe.

It is reiterated that, like Satyakama Jabala story, this is not evidence law. Its relevance is only narrative. Knowledge of a biological relationship can have consequences for identity, kinship, responsibility, and grief. The timing of disclosure can also matter.

The Satyakāma narrative offers a useful literary contrast for the present discussion: it foregrounds truthful acknowledgment of what is known and what remains unknown about lineage. The broader Indian textual tradition of giving importance to truth thus provides a restrained framework for asking how legal protection, social identity and truth about birth should relate to one another.

III. SECTION 112 IEA AND THE HISTORICAL ARCHITECTURE OF SECTION 116 BSA

Section 116 of BSA is substantially analogous with section 112 of the Indian Evidence Act, 1872⁷. The earlier provision likewise treated birth during a valid marriage as conclusive proof of legitimacy, subject to non-access and same was carried over.

The historical rule had a rational protective foundation from Colonial time and English Common law jurisprudence. In a period without reliable genetic testing, marriage supplied a strong social and legal basis for attributing paternity. The law also had reasons to avoid intrusive inquiries into sexual conduct and to protect children from disputes between adults.

The historical explanation, however, does not by itself answer the present question. Evidence law is concerned with how courts establish facts, however, the reliability and availability of means of proof change over time. A rule developed when biological paternity was ordinarily incapable of scientific determination may require reconsideration when scientific methods can, in suitable cases, provide reliable and powerful evidence.

The historical English position is relevant only by comparison. English law has moved from a strong presumption of legitimacy toward a position in which the presumption remained but could be rebutted in civil proceedings. Section 26 of the Family Law Reform Act 1969 permitted rebuttal of the presumption on the balance of probabilities⁸. The comparative lesson is not that Indian law must

⁵ Id., 4.4.4.

⁶ Id., 4.4.5.

⁷ The Indian Evidence Act, 1872 (Act 1 of 1872), s. 112.

⁸ Family Law Reform Act 1969, c. 46, s. 26 (U.K.).

simply replicate the changed in English law, notwithstanding the colonial origins of its genesis and enactment. It is that preservation of a strong legitimacy presumption is conceptually compatible with allowing evidence capable of rebutting it.

IV. THE LAW COMMISSION OF INDIA AND THE SCIENTIFIC CHALLENGE

The Law Commission of India has specifically addressed this issue. The 69th Report examined section 112 of IEA and its operation⁹. The 185th Report revisited the provision in light of developments in scientific testing, including blood tests and DNA genetic-printing tests¹⁰. On the other hand the 271st Report deliberated on the constitutional and aspects of DNA profiling in general and in addition, discussed Section 112 of IEA and referred the earlier reports.¹¹

The 185th Report recognised the tension between the conclusive statutory rule and scientific evidence. Its approach contemplated preserving the strong statutory structure while creating specified scientific exceptions subject to safeguards¹². That approach deserves respect because it sought to reconcile certainty of legitimacy and scientific accuracy. But subsequent case law raises whether the exceptions have become more fundamental than the rule they were designed to qualify. If scientific evidence is relevant only through narrow exceptions to an otherwise conclusive rule, the law may place the legal presumption above evidence of the actual fact. This can create tension between the statutory presumption and scientific evidence. The “shall presume” formulation suggested by the author offers a different approach. It keeps the presumption strong and mandatory, while allowing it to be rebutted where the evidence justifies doing so. The reform proposed here therefore does not reject the Law Commission's concern. It takes the scientific development identified by the Commission one step further.

V. THE JUDICIAL APPROACH: PROTECTION, PRIVACY AND SCIENTIFIC INQUIRY

The Supreme Court's approach reflects a continuing effort to balance the protection of the child with the need to ascertain biological truth. However, over the past two decades, the judicial approach has repeatedly shifted between caution and acceptance of blood tests and DNA testing, even as these scientific methods have matured and become well established.

One the earliest landmark case law is Goutam Kundu v. State of West Bengal that cautioned against ordering blood tests as a matter of course and emphasised potential consequences for the child¹³. However, on the other hand a decade later the Sharda v. Dharmpal recognised the power of courts to direct medical examination in appropriate circumstances¹⁴, though the case was not a directly hit by Section 112 of IEA.

⁹ Law Commission of India, “69th Report on the Indian Evidence Act, 1872” (1977). Chapter 54

¹⁰ Law Commission of India, “185th Report on Review of the Indian Evidence Act, 1872” (2003). Chapter II

¹¹ Law Commission of India, “271st Report on Human DNA Profiling – A draft Bill for the Use and Regulation of DNA-Based Technology” (2017). Chapter IV

¹² Law Commission of India, “185th Report on Review of the Indian Evidence Act, 1872” (2003), discussion concerning s. 112 and proposed medical, blood and DNA testing safeguards.

¹³ Goutam Kundu v. State of West Bengal, MANU/SC/0345/1993.

¹⁴ Sharda v. Dharmpal, MANU/SC/0260/2003.

The Supreme Court in *Bhabani Prasad Jena v. Convenor, Orissa State Commission for Women* articulated the need for an “eminent need” before DNA testing is ordered¹⁵. Nevertheless, the *Nandlal Wasudeo Badwaik v. Lata Nandlal Badwaik* case¹⁶ brought the tension between statutory presumption and scientific evidence into sharp focus; where DNA evidence excluded the husband as biological father, the Court emphasised truth and appreciated the best available scientific evidence. Subsequently *Dipanwita Roy v. Ronobroto Roy* likewise recognised DNA testing where paternity was directly material¹⁷.

However, the tide changed eight years later, in *Aparna Ajinkya Firodia v. Ajinkya Arun Firodia* the Supreme Court emphasized the child-protection dimension and declined testing in the circumstances before it¹⁸. *Prajakta Dnyaneshwar Kadam* illustrates circumstances in which an existing DNA report and the direct materiality of paternity can make scientific determination sufficiently compelling¹⁹. However, following the *Aparna Ajinka Firodia*²⁰ case the Supreme Court in *Ivan Rathinam v. Milan Joseph* reinforced the continuing force of the statutory presumption of conclusive proof and disallowed paternity test²¹.

Thus the judicial pronouncements therefore presents not a simple conflict between “truth” and “legitimacy”, but an effort to accommodate the legal protection of the child, privacy and dignity, and accurate determination of material facts. The structural difficulty is that courts must develop safeguards around DNA testing while the statute itself says “conclusive proof”. Legislative amendment is therefore preferable to continued judicial accommodation.

VI. THE 2026 DECISIONS AND THE CASE FOR LEGISLATIVE CLARIFICATION

The recent 2026 decision rendered by the Supreme Court in *Chaturbhuj Pradhan vs Amar Pradhan*²² make the issue especially current and continuing. In the matter the Supreme Court upheld the concurrent order of the trial court and High Court whereby the DNA test was directed on the basis of the judicial emphasis on necessity, alternative evidence and competing interests. In *Nikhat Parveen @ Khusboo Khatoon v. Rafique @ Shillu*, likewise addresses evidentiary consequences of DNA testing in a paternity context²³.

A Supreme Court decision reported on 20 August 2026²⁴ concerned a matrimonial dispute in which a husband relied upon a private DNA report indicating zero probability of biological fatherhood and sought a court-directed test after opposition to testing. Contemporary reporting states that the Supreme Court upheld the direction for testing and upheld the concurrent findings of the Trial Court and the High Court.

¹⁵ *Bhabani Prasad Jena v. Convenor, Orissa State Commission for Women*, MANU/SC/0555/2010.

¹⁶ *Nandlal Wasudeo Badwaik v. Lata Nandlal Badwaik*, MANU/SC/0006/2014.

¹⁷ *Dipanwita Roy v. Ronobroto Roy*, 2014 INSC 802.

¹⁸ *Aparna Ajinkya Firodia v. Ajinkya Arun Firodia*, 2023 INSC 146.

¹⁹ *Prajakta Dnyaneshwar Kadam v. Dnyaneshwar Navnath Kadam*, W.P. No. 8894 of 2021 (Bom. H.C., Jan. 19, 2023).

²⁰ *Aparna Ajinkya Firodia v. Ajinkya Arun Firodia*, 2023 INSC 146.

²¹ *Ivan Rathinam v. Milan Joseph*, 2025 INSC 115.

²² *Chaturbhuj Pradhan v. Amar Pradhan*, 2026 INSC 600

²³ *Nikhat Parveen @ Khusboo Khatoon v. Rafique @ Shillu*, 2026 INSC 399.

²⁴ “Man takes a DNA test, finds out he isn't the child's father; files for divorce but wife refuses official test; Supreme Court allows the paternity test,” *The Economic Times*, Aug. 20, 2026.

These decisions should not be overstated as establishing a general entitlement to DNA testing. Their significance is that courts are repeatedly required to construct a controlled pathway between the strong legitimacy presumption and scientific evidence. The pattern suggests that legislative clarification is preferable. A rebuttable presumption can preserve protection of legitimacy while giving statutory recognition to the possibility that reliable evidence may, in an appropriate case, establish a different biological fact.

VII. SCIENTIFIC TEMPER, TRUTH AND THE INDIAN INTELLECTUAL TRADITION

Article 51A(h) of the Constitution²⁵ identifies the development of “scientific temper, humanism and the spirit of inquiry and reform” as a fundamental duty. It does not make scientific evidence determinative of every legal question. It does, however, provide a constitutional value supportive of rational inquiry.

The Muṇḍaka Upaniṣad proclaimed “Satyameva Jayate” - “Truth alone triumphs”²⁶. The Taittirīya Upaniṣad instructs the student, “Satyam vada” - “Speak the Truth”²⁷. These texts are not sources of positive evidence law. Their relevance is normative, nevertheless, the truth and truthfulness are longstanding themes in Indian thought.

The Sangam-era seminal Tamil work Tirukkural devotes an entire chapter, “Vāymai” (“Truthfulness”), to the virtue of truthfulness (Chapter 30, Kurals 291–300). In this chapter, Thiruvalluvar conceives truth not merely as the avoidance of falsehood, but as speech that causes no harm to others. He further suggests that falsehood, even when uttered with apparent justification, ultimately troubles one’s own conscience, whereas truthfulness cultivates inner purity, honour, and moral strength. Truth is presented as a light that illuminates the inner self, and the author concludes that, among all virtues, there is none greater than truthfulness. Thus, “Vāymai” may be understood not merely as a discipline governing speech, but as a foundational principle of a pure and virtuous life.

This ethical commitment to truth finds a corresponding truth-seeking expression in Kural 423, which states “epporuḷ yāryārvāyk kēṭṭiṇuṁ apporuḷ meyporuḷ kāṇpa taṟivu.” Literally translated, it means “Whatever the thing, from whomever it may be heard, to discern the true meaning of that thing is wisdom.” Although the Kural speaks explicitly of wisdom, its emphasis on examining a proposition for its underlying truth, irrespective of its source, aptly captures an essential feature of the scientific endeavour²⁸. Knowledge, on this conception, is not to be accepted merely because of the authority, identity, or status of the person from whom it originates; rather, its validity must be assessed by discerning the underlying truth.

A similar emphasis on discerning the underlying truth is found earlier “epporuḷ ettaṇṇmait tāyiṇuṁ apporuḷ meyporuḷ kāṇpatu aṟivu”²⁹, which may be translated to mean “Wisdom is to ascertain the reality in whatever way things are presented.” The Kural thus places the discernment of meyporuḷ, the underlying or ultimate reality, at the heart of wisdom. This principle resonates closely with the

²⁵ The Constitution of India, art. 51A(h).

²⁶ Muṇḍaka Upaniṣad, 3.1.6.

²⁷ Taittirīya Upaniṣad, 1.11.1.

²⁸ Tirukkural, Kural 423.

²⁹ Tirukkural, Kural 355.

intellectual disposition underlying scientific temper. Claims must be examined critically, and evidence must be assessed independently of its source. Appearances and received propositions must not be mistaken for reality.

These ideas from the Tirukkural provide culturally rooted principles for articulating a corresponding legal proposition. A presumption is, fundamentally, a device for reasoning in conditions of uncertainty. It facilitates adjudicative decision-making by permitting a court to proceed from an assumed proposition when direct proof of the underlying fact is unavailable, difficult, or otherwise impracticable. Yet, precisely because a presumption is a methodological device for approximating or inferring reality, it should not be conflated with the reality that it is designed to approximate. The distinction between an inferential tool and the truth it seeks to illuminate is therefore central to a principled understanding of presumptions in law.

Truth is not merely a philosophical aspiration in the Indian constitutional imagination; it has been deliberately incorporated into the institutional symbolism of the administration of justice. The expression *Satyameva Jayate*, “Truth alone triumphs”, forms part of the State Emblem of India. More significantly for the present discussion, Parliament expressly incorporated the same motto into the institutional identity of the High Courts. The High Courts (Seals) Act, 1950³⁰, which is a principal governing legislation, provides that every High Court in a State shall use a seal bearing the inscription “*Satyameva Jayate*” in Devanagari script.

The inscription *Satyameva Jayate* on the very seal by which the High Court authenticates its judicial acts presents a powerful institutional reminder of the relationship between adjudication and truth. It would, of course, be incorrect to convert an official motto into a freestanding rule of evidence. “Truth alone triumphs” does not mean that every truth must be judicially ascertained at any cost, nor does it displace rules enacted to protect privacy, dignity, legitimacy or the welfare of children. But it does illuminate the normative direction in which an evidence law should ordinarily operate. Legal presumptions are merely instruments for rational adjudication and should not, in themselves, be treated as statements of truth. They should not become barriers against reliable evidence of the very fact which the presumption seeks to establish.

The point becomes especially important in the context of Section 116 of the BSA. The provision does not merely create a presumption of legitimacy. By employing the expression “conclusive proof”, read with Section 2(b) of BSA, it excludes evidence tendered for the purpose of disproving the presumed fact, save for the statutory route of establishing non-access. The result is that the legal system may, in an appropriate case, know that a question of biological paternity exists, may possess scientifically capable means of investigating it, and yet be statutorily constrained from receiving evidence directed towards that question.

Thus a truth-oriented evidence law can therefore respect family, dignity and social stability while remaining open to reliable scientific inquiry.

³⁰ The High Courts (Seals) Act, 1950 (Act 7 of 1950), s. 2(1).

VIII. THE CHILD-CENTRED OBJECTION: TRUTH NEED NOT MEAN STIGMA

The strongest objection to replacing “conclusive proof” with “shall presume” is the possibility of harm to the child. If the presumption becomes rebuttable, might children be subjected to intrusive litigation and genetic testing whenever paternity is questioned?

That concern should shape the amendment. But it does not necessarily follow that the evidentiary inquiry must be closed. The proposed amendment from “conclusive proof” to “shall presume” would not make biological truth automatically determinative. Nor would it abolish the protection afforded by the legitimacy presumption. It would instead restore the distinction between a strong legal presumption and an irrebuttable legal conclusion. The former protects; the latter forecloses inquiry. The distinction is important because the protection of the child and the ascertainment of truth need not be opposing objectives. A child may need protection from the stigma, instability and consequences of an adult dispute, while also having a legitimate interest, particularly in an appropriate case, in knowing the truth concerning biological origins. The law can therefore protect the child from the consequences of paternity litigation without necessarily making biological truth legally unknowable.

The objective should therefore be neither “DNA at all costs” nor “presumption at all costs”. It should be a balanced evidentiary framework in which the child's welfare remains central while the court is not prohibited from determining a genuinely material question of biological fact through established scientific methods.

In that sense, the proposed reform is not an argument for replacing law with science. It is an argument for allowing law to use science responsibly. Nor is it an argument that the motto *Satyameva Jayate* requires DNA testing whenever paternity is questioned. The proposition is more restrained. Where biological truth is materially relevant and reliable scientific evidence exists, the court may consider whether an evidentiary inquiry is necessary and consistent with the child's welfare. In such circumstances, the law should not make the ascertainment of biological truth impossible merely because a marital presumption exists in a statutory provision.

The transition from “conclusive proof” to “shall presume” would therefore preserve the protective architecture of legitimacy while allowing the judicial process to remain open to truth.

IX. A LEGISLATIVE MODEL: FROM “CONCLUSIVE PROOF” TO “SHALL PRESUME”

The proposed reform involves a recalibration of the rules of evidence. It preserves the strong statutory presumption of legitimacy. However, it removes its present effect as an irrebuttable barrier to relevant and reliable evidence. Such evidence may be based on proven and reproducible scientific methods.

The present provision makes birth during marriage “conclusive proof” of legitimacy. The proposed provision would make the same fact something which the court “shall presume”. The foundational fact, namely, birth during the continuance of a valid marriage would continue to attract a mandatory presumption of legitimacy. The burden would remain upon the party seeking to displace that presumption. What would change is only the legal effect attached to the presumption. The court

would no longer be prohibited by the statutory command of “conclusive proof” from receiving and evaluating evidence capable of rebutting it.

The proposed amendment, needless to say, should be accompanied by certain safeguards, which are listed below:

1. The paternity must be directly and materially in issue.
2. The potential risk to the privacy, dignity and the welfare of the child should be expressly considered based on the best interest of the child
3. The court should consider whether the issue can reasonably be determined by evidence other than genetic testing, for example no access or impotency.
4. DNA or other proven scientific testing should ordinarily require a judicial finding of necessity or eminent need.
5. The testing should employ scientifically reliable and rigorous methods.

The proposed reform would preserve the valuable aspects of Section 116. It would retain the statutory presumption of legitimacy. The reform would also remove the absolute bar on evidence directed towards establishing the underlying biological fact.

X. CONCLUSION: A PRESUMPTION SHOULD PROTECT, NOT PRECLUDE

Section 116 BSA stands at the intersection of two legitimate legal commitments. These are the protection of children and family stability, and the judicial responsibility to determine material facts through reliable evidence.

The historical rule of conclusive legitimacy had historical colonial and common law reasons for its existence. The Law Commission of India through its multiple reports recognised the later challenge presented by scientific developments. The Supreme Court has spent decades developing principles for deciding when DNA evidence should be considered and when child welfare or privacy requires restraint. The recent 2026 decisions show that this tension remains live.

The Indian scholarly and intellectual traditions provide an additional, carefully limited perspective. Satyakāma Jābāla is a story of truthful acknowledgment of unknown lineage. A passing reference to the later disclosure of Karna’s birth in the Mahābhārata likewise reminds us that knowledge of biological relationship can have consequences for identity and kinship. Neither is a rule of evidence. The point is simply that truth about birth and identity has long carried significance in Indian literature.

The appropriate legislative response is not to replace one absolutism with another. The law need not say that scientific testing always prevails. Nor should it say that a legal presumption always prevails over evidence capable of establishing the biological fact. The better balance is a strong presumption that remains rebuttable.

Thus, the law should presume legitimacy while protecting the best interests of the child, respecting her privacy, and preserving her legal rights. More importantly, it should leave room for the ascertainment of truth where it can be responsibly established. Accordingly, it is proposed that the section 116 BSA should replace “conclusive proof” with “shall presume”, while retaining a strong, child-centred and privacy-sensitive framework that permits rebuttal and scientific testing only where necessary and justified.