

The Criminal Procedure (Identification) Act, 2022

The Criminal Procedure (Identification) Bill, 2022 seeks to allow police to take “measurements” to tag those who have been convicted, arrested or detained.

Latest Context: The Criminal Procedure (Identification) Bill, 2022 was introduced in the [Lok Sabha](#) on 28th March 2022. The objective of the bill is to authorize law enforcement agencies to take measurements of convicts and other persons to identify and investigate criminal matters and preserve records.

The Bill was passed by the Rajya Sabha on 6th April 2022 and it received the presidential assent on 18th April, thus becoming law.

Relevant Video

Video link: https://youtu.be/NJw0H_NGUr4

What is Criminal Procedure (Identification) Act 2022?

- The Criminal Procedure (Identification) Act, 2022 authorizes law enforcement agencies to collect, store and analyse physical and biological samples of convicts and other persons to identify and investigate criminal matters.
- The Act repeals the existing "The Identification of Prisoners Act, 1920", which authorizes the police to collect finger and footprint impressions and photographs.

Important Features of Criminal Procedure (Identification) Act 2022

- The measurements include
 - Impressions of fingerprints
 - Palm prints and footprints
 - Photos
 - Iris and retina scans
 - Analysis of physical and biological samples
 - Behavioural attributes
 - Signature and Handwriting.
- [National Crime Records Bureau \(NCRB\)](#) is empowered to collect the record of measurements from the State Government or Union territory Administration or any other law enforcement agencies. It shall store, preserve and destroy the record of measurements at the national level.
- The magistrate is empowered to direct a person to give measurements for the purpose of any investigation or proceeding under the [Code of Criminal Procedure](#), 1973 or any other law for the time being in force.
- The police officer or prison officer is empowered to take measurements if any person resists or refuses to allow the taking of such measurements.
- The Central Government or the State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
- Any person convicted, arrested or held under any [preventive detention](#) law is required to provide "measurements" to a police officer or a prison official.

- The record of these measurements will be retained in digital or electronic form for a period of 75 years from the date of collection.
- The records are to be destroyed in case any person, who has not been previously convicted of an offence punishable under any law with imprisonment for any term and had his/her measurements taken according to the provisions of this Act, is released without trial or discharged or acquitted by the court, after exhausting all legal remedies.

Refusal to Comply

- Under the provisions of the act, the refusal or resistance to taking measurements is an offence under section 186 of the [Indian Penal Code\(IPC\)](#).
- No suit or any other proceeding shall lie against any person for anything done, or intended to be done, in good faith under this Act or any rule made thereunder.
- The central government or state government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Criminal Procedure (Identification) Act Issues

- Article 20(3) of the Constitution, declares that no person accused of an offence shall be compelled to be a witness against himself. Some argue that taking biological samples and allaying them could lead to Narco-analysis and brain mapping of the accused or the arrested.
- The Bill seeks to apply these provisions to persons held under any preventive detention law, which is a violation of [Article 21](#).
- Some argue that the bill empowers the police and courts to take measurements of persons who are under trial and suspected to be involved in a case, on the presumption that he may, in future, commit an illegal act.

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