

The Criminal Procedure (Identification) Bill, 2022

March 30, 2022

In news– The Criminal Procedure (Identification) Bill, 2022 was introduced in Lok Sabha on March 28, 2022.

Key features of the bill-

- The proposed Bill **replaces the Identification of Prisoners Act, 1920.**
- The Act permits the collection of photographs and specified details about convicts and other persons including finger impressions and footprint impressions.
- **The Bill expands the list of details that can be collected. It will now include:**
 - Palm-print impressions, iris and retina scans, behavioural attributes such as signature and handwriting, and other physical and biological samples such as blood, semen, hair samples, and swabs, and their analysis.
- It also seeks to **apply these provisions to persons held under any preventive detention law.**
- **The National Crime Records Bureau (NCRB) will be the repository of physical and biological samples, signature and handwriting data that can be preserved for at least 75 years.**
- **It also empowers NCRB for sharing, dissemination, destruction and disposal of records.**
- **The record may be destroyed in case of persons who:**
 - have not been previously convicted, and

- are released without trial, discharged, or acquitted by the court, after exhausting all legal remedies.
- A Court or a Magistrate may direct the retention of details in case of such persons after recording reasons in writing.
- **It also authorizes for taking measurements of convicts and “other persons”** for identification and investigation in criminal matters.
- **It doesn’t define the “other persons”** implying its ambit beyond convicts, arrested persons, or detainees.
- **Police personnel up to the rank of Head Constable have been authorized to record the measurements.**
- It also enables NCRB to share the records with any other law enforcement agency.
- **As per the Bill, resistance or refusal to give details will be considered an offense under the Indian Penal Code, 1860.**
- In case of such resistance or refusal, police officers or prison officers may collect details in the manner prescribed under Rules made by the state government or the central government.
- A Magistrate may direct a person to give details for the purpose of an investigation or proceeding under the CrPC.
- Depending on certain factors (such as the area concerned), the Magistrate may be a Metropolitan Magistrate, a Judicial Magistrate of the first class, or an Executive Magistrate.
- **The Act vested rule-making power only in the state government, while the Bill extends this power to the central government as well.**
- **The central or state government may make rules on various matters, including:** (i) the manner of collecting details, and (ii) the manner of collection, storage, preservation, destruction, dissemination, and disposal

of details by NCRB.

Opposition members argued that the Bill was beyond the legislative competence of Parliament as it violated fundamental rights of citizens including the right to privacy.