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# **THE CRIMINAL PROCEDURE (IDENTIFICATION)** **ACT, 2022: AN ANALYSIS**

AUTHORED BY - DR.BINISH BANSAL, ASSOCIATE PROFESSOR

The Criminal procedure (Identification) Act 2022, enacted on April 18,2022 authorizes the taking of measurements of convicts and other persons for identification and investigation in criminal matters and to preserve records. **Key points of the Act include:-**

## **1. Short Title and Commencement:**

The Act is called the Criminal Procedure (Identification) Act 2022, and comes into force on a date notified by the Central Government.

## **2. Definitions:**

“**Magistrate**” is defined according to the area, including Metropolitan Magistrate, Judicial Magistrate or Executive Magistrate.

“**Measurements**” include finger impressions, Palm -print impressions, footprint impressions, Photographs, iris and retina scan, Physical biological Samples and their analysis, behavioural attributes like signatures and handwritings.

“**Police officer**” means an officer in charge of a police station or an officer not below the rank of Head constable.

“**Prescribed**” means prescribed by rules made under the Act.

“**Prison officer**” means an officer of a prison not below the rank of Head Warder.

## **3. Taking of Measurements:-**

Individuals convicted of an offence, ordered to give security for good behaviour, or arrested in connection with an offence can be required to allow their measurements to be taken.

**3.1.** Those arrested for offence not against women or children and not punishable by imprisonment of at least seven years may not be obliged to provide biological samples.

**4. Collection, Storing and Preservation of Measurements:-**

The National Crime Records Bureau is responsible for these functions. The NCRB is authorized to collect measurement records from State Governments, Union Territory Administration and other law enforcement agencies.

**4.1.National Level Storage:-**

These records are to be stored, preserved and destroyed at the national level by the NCRB.

**4.2.Processing and Sharing:-**

The NCRB can process these records with relevant crime and criminal records and share them with any law enforcement agency.

**4.3.Retention Period:-**

The records are to be retained in digital or electronic form for 75 years from the date of collection.

**4.4.Destruction of records:-**

if person is released without trial, discharged or acquitted and has not been previously Convicted, the records of measurements taken under this Act shall be destroyed, unless the court or magistrate orders otherwise.

**4.5. State and UT level:-**

State Governments and Union Territory Administrations can notify appropriate agencies to collect, preserve and share measurements within their jurisdiction.

**5. Magistrate power :-**

A Magistrate can direct a person to give measurements for the purpose of any investigation of proceeding under the Code of Criminal Procedure, 1973 or any other law.

**6. Empowerment of police:-**

The Act empowers police or prison officers to take measurements of any person who resists or refuses to give measurements. Resistance to or refuses to allow the taking of measurements under this Act shall be deemed to be an offence under section -186 of the Indian Penal Code.

**7. Bar of suit:-**

No suit or any other proceeding shall lie against any person for anything done in good faith.

**8. Power to make rules:-**

The Central Government or the State Government may, by notification in the official Gazette make rule for any carrying out the purposes of this Act.

**9. Power to remove difficulties:-**

The Central Government may remove difficulties.

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

**10. Repeal and Saving:-**

The Identification of Prisoners Act, 1920 is here by repealed.

