



IDENTIFYING

Criminal Procedure (Identification) Bill 2022

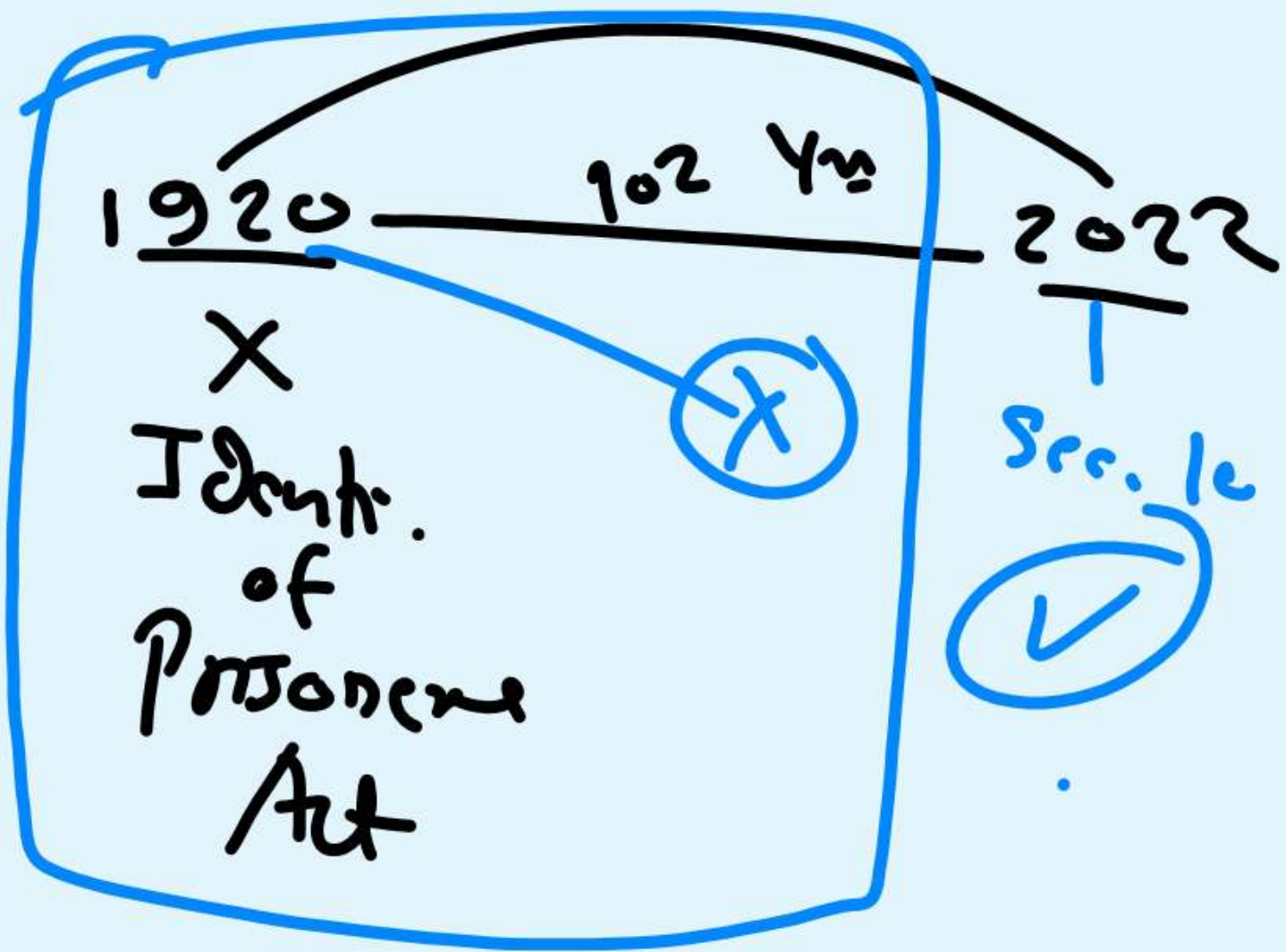


THE CRIMINAL PROCEDURE BILL, 2022

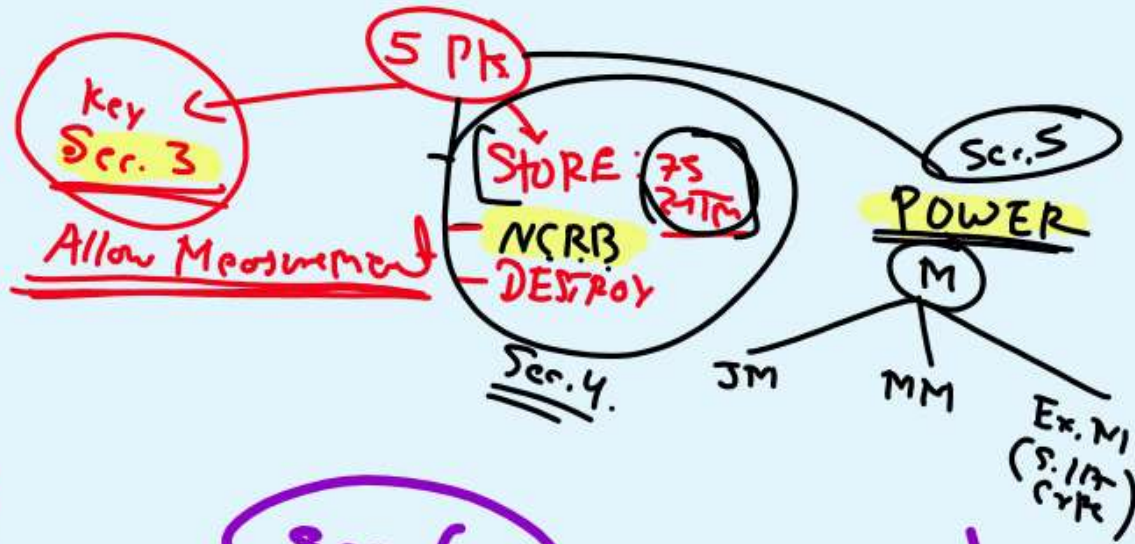
The Criminal Procedure (Identification) Bill, 2022

Ministry: Home Affairs





Cr. Procedure (Identi.)
Bill / Act, 2022

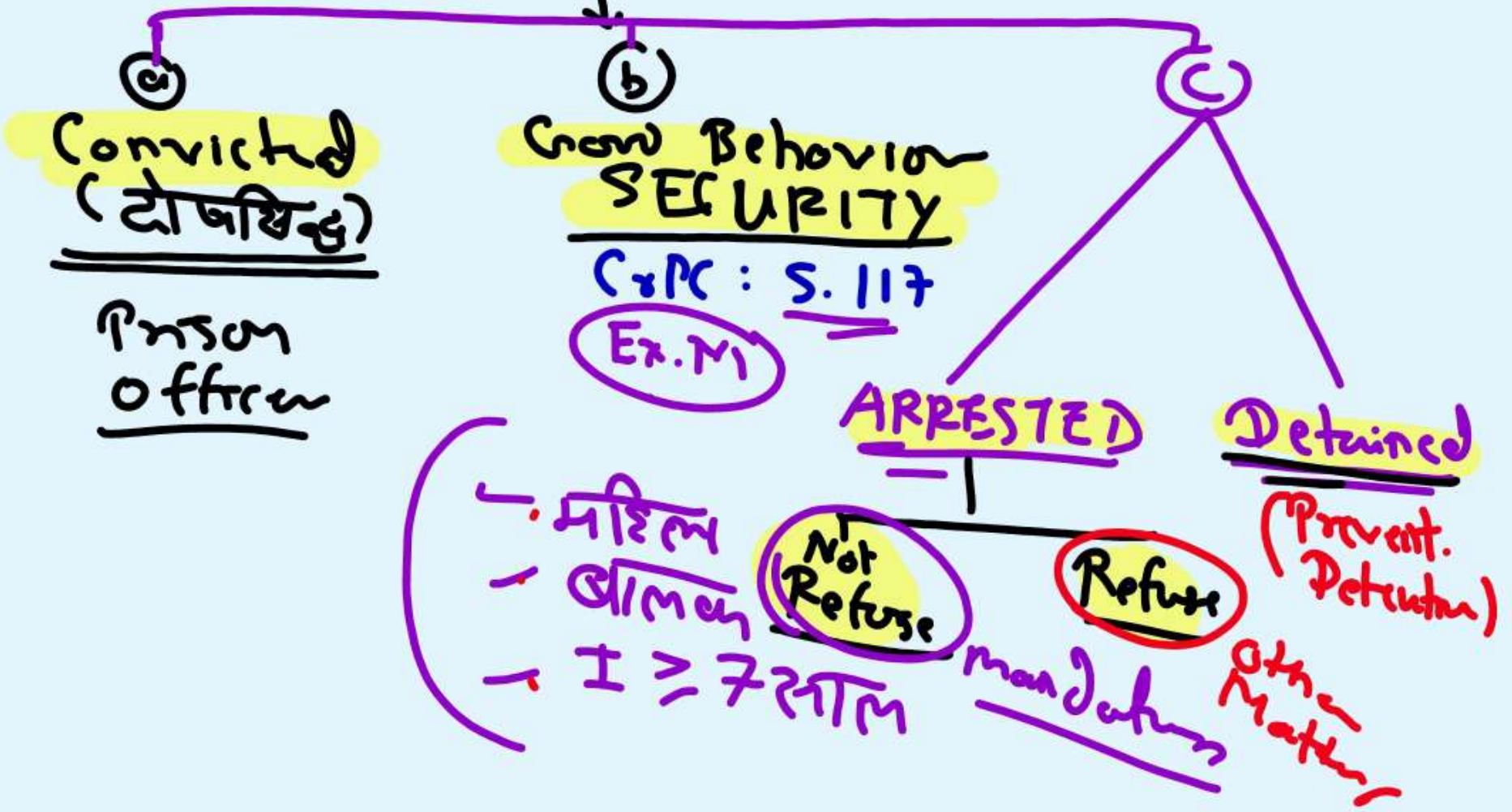


④

Resist (Deny) ⇒
IPC
S. 186
Obstruct P-S
3M or Fin

Definition
Sec. 2

SEC. 3



Convicted
(दोषसिद्ध)

Prison
officer

Now Behavior
SECURITY

CrP: S. 117

Ex.M

ARRESTED

Detained

(Prevent.
Detention)

Not Refuse

Refuse

- महिला
- बालक
- 17 साल

mandate

Other
Matters

Table 1: Comparison of key provisions of the 1920 Act and the 2022 Bill

1920 Act	Changes in the 2022 Bill
Data permitted to be collected	
<ul style="list-style-type: none">▪ <u>Fingerprints, footprint impressions, photographs</u>	Adds: (i) <u>biological</u> samples, and <u>their</u> analysis, (ii) <u>behavioural</u> attributes including <u>signatures, handwriting,</u> and (iii) <u>examinations</u> under sections <u>53 and 53A</u> of CrPC (includes blood, semen, hair samples, and swabs, and analyses such as DNA profiling)



Persons whose data may be collected

- | | |
|---|---|
| <ul style="list-style-type: none">• Convicted or arrested for offences punishable with rigorous imprisonment of one year or more• Persons ordered to give security for good behaviour or maintaining peace• Magistrate may order in other cases collection from any arrested person to aid criminal investigation | <ul style="list-style-type: none">• Convicted or arrested for any offence. However, biological samples may be taken forcibly only from persons arrested for offences against a woman or a child, or if the offence carries a minimum of seven years imprisonment• Persons detained under any preventive detention law• On the order of Magistrate, from any person (not just an arrested person) to aid investigation |
|---|---|



Persons who may require/ direct collection of data

<ul style="list-style-type: none">• Investigating officer, officer in charge of a police station, or of rank Sub-Inspector or above	<ul style="list-style-type: none">• Officer in charge of a police station, or of rank Head Constable or above. In addition, a Head Warder of a prison
<ul style="list-style-type: none">• Magistrate	<ul style="list-style-type: none">• Metropolitan Magistrate or Judicial Magistrate of first class. In case of persons required to maintain good behaviour or peace, the Executive Magistrate



THE CRIMINAL PROCEDURE (IDENTIFICATION) BILL, 2022

Sec. 2. Definitions

(1) In this Act, unless the context otherwise requires,—

(a) **"Magistrate"** means,—

- (i) In relation to a metropolitan area, the Metropolitan Magistrate;
- (ii) in relation to any other area, the Judicial Magistrate of the first class; or
- (iii) in relation to ordering someone to give security for his good behavior or maintaining peace, the Executive Magistrate;

THE CRIMINAL PROCEDURE BILL, 2022

- (b) **"measurements"** includes **finger-impressions**, palm-print impressions, foot-print impressions, photographs, iris and retina scan, physical, biological samples and their analysis, behavioral attributes including signatures, handwriting or any other examination referred to in section **53** or section **53A** of the Code of Criminal Procedure, 1973;
- (c) **"police officer"** means the officer-in-charge of a police station or an officer not below the rank of Head Constable;

THE CRIMINAL PROCEDURE BILL, 2022

Sec. 3. Taking of Measurement

Any person, who has been,—

- (a) convicted of an offence punishable under any law for the time being in force; or
- (b) ordered to give security for his good behavior or maintaining peace under section 117 of the Code of Criminal Procedure, 1973 for a proceeding under section 107 or section 108 or section 109 or section 110 of the said Code; or

THE CRIMINAL PROCEDURE BILL, 2022

- (c) arrested in connection with an offence punishable under any law for the time being in force or detained under any preventive detention law, shall, if so required, allow his measurement to be taken by a police officer or a prison officer in such manner as may be prescribed by the Central Government or the State Government:

Provided that any person arrested for an offence committed under any law for the time being in force (except for an offence committed against a woman or a child or for any offence punishable with imprisonment for a period not less than seven years) may not be obliged to allow taking of his biological samples under the provisions of this section.

THE CRIMINAL PROCEDURE BILL, 2022

Sec. 4. Collection storing, preservation of measurements and storing, sharing dissemination. Destruction and disposal of records

- (1) The National Crime Records Bureau shall, in the interest of prevention, detection, investigation and prosecution of any offence under any law for the time being in force,—
 - (a) collect the record of measurements from State Government or Union territory Administration or any other law enforcement agencies;
 - (b) store, preserve and destroy the record of measurements at national level; (c) process such records with relevant crime and criminal records; and
 - (d) share and disseminate such records with any law enforcement agency, in such manner as may be prescribed.

- (2) The record of measurements shall be retained in digital or electronic form for a period of **seventy-five years** from the date of collection of such measurement:

Provided that where any person, who has not been previously convicted of an offence punishable under any law with imprisonment for any term, has had his 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**, all records of measurements so taken shall, unless the court or Magistrate, for reasons to be recorded in writing otherwise **directs**, **be destroyed** from records.

- (3) The State Government and Union territory Administration may notify an appropriate agency to collect, preserve and share the measurements in their respective jurisdictions.



Sec 5. Power of Magistrate to direct a person to give measurements.

Where the Magistrate is satisfied that, 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, it is expedient to direct any person to give measurements under this Act, the Magistrate may make an order to that effect and in that case, the person to whom the order relates shall allow the measurements to be taken in conformity with such directions.



Sec 6. Resistance to allow taking of measurements.

- (1) If any person who is required to allow the measurements to be taken under this Act resists or refuses to allow taking of such measurements, it shall be lawful for the police officer or prison officer to take such measurements in such manner as may be prescribed.
- (2) Resistance to or refusal to allow the taking of measurements under this Act shall be deemed to be an offence under section 186 of the Indian Penal Code.

186

IPC
CrPc
TIA
9 PM

ALL JUDICIARY EXAM



LIVE YouTube
LINKING LAWS

08th 11:00
April AM

100 साल बाद नया कानून
Law of Identity
Criminal Procedure
(Identification) Act, 2022

LIVE YouTube
LINKING LAWS

08th 6:00
April PM

CrPc (Important Sections)
Judgment Writing

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08th 9:00
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MCQ Challenge
CrPC
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Tansukh Paliwal
(Linking Sir)

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Inter
Act
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Cr Procedure (Identr.)
BILL - 2022

IPK

Women
(Child
I 727m)

S. 186

CoPI

S. 53
S 53A

CoI

- A. 22
- A. 20(3)

