



Criminal Procedure (Identification) Bill, 2022

For Prelims: Lok Sabha, Indian Penal Code, preventive detention, National Crime Records Bureau, fundamental rights of citizens, right to privacy, The Criminal Procedure (Identification) Bill, 2022

For Mains: The Criminal Procedure (Identification) Bill, 2022 and issues, Judgements & Cases, Fundamental Rights

Why in News?

Recently, the **Criminal Procedure (Identification) Bill, 2022** was introduced in [Lok Sabha](#).



What are the Provisions of the Bill?

- **Collection of Samples:**
 - It would **allow the police and prison authorities to collect, store** and analyse physical and biological samples, including retina and iris scans.
 - **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](#)**.
 - It will also **seek to apply these provisions to persons** held under any [preventive detention law](#).
 - It also **authorises 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.
- **Power to Record Measurement:**
 - **Police personnel up to the rank of Head Constable** have been authorised to record the measurements.
 - 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.
 - NCRB has also been **empowered to share the records with any other law enforcement agency**.

What is the Significance of the Bill?

- **Making Use of Modern Techniques:**
 - The bill **makes provisions for the use of modern techniques to capture** and record appropriate body measurements.
 - The existing law — **the Identification of Prisoners Act — dated back to 1920** and **allowed taking only fingerprint and footprint impressions** of a limited category of convicted persons.
- **Help Investing Agencies:**

- The Bill **seeks to expand the “ambit of persons”** whose measurements can be **taken** as this will **help the investigating agencies to gather sufficient legally admissible evidence** and establish the crime of the accused person.
- **Make the Investigation of Crime More Efficient:**
 - The bill **provides legal sanction for taking appropriate body measurements** of persons who are required to give such measurements and will **make the investigation of crime more efficient and expeditious** and will also help in increasing the conviction rate.

What are the issues with the Bill?

- It has been argued that the **Bill was beyond the legislative competence of Parliament** as it **violated [fundamental rights of citizens](#)** including the **[right to privacy](#)**.
 - The **Bill proposes to collect samples even from protestors** engaged in political protests.
- It **violates Article 20 (3) of the Constitution**. The Bill **implied use of force in collection of biological information**, could also **lead to [narco analysis and brain mapping](#)**.
 - **Article 20(3) says that** 'No person accused of an offence shall be compelled to be a witness against himself'.
- It also violates **human rights provisions** as laid out in the **[United Nations](#) charter**.
- Also, the **implied use of force in clause 6(1) to take measurements violates the rights of prisoners** laid down in a catena of **[Supreme Court](#)** judgements beginning with **[A K Gopalan 1950](#)**, **Kharag Singh 1964**, **Charles Sobhraj 1978**, **Sheela Barse 1983**, **Pramod Kumar Saxena 2008**.

What are the Related Initiatives taken by the Government?

- **Crime and Criminal Tracking Network & Systems:**
 - It is a project for creating a comprehensive and integrated system for effective policing through **[e-Governance](#)**.
- The Home Ministry is **working on the integration of the fingerprint database of the Central Finger Print Bureau (CFPB)**, and the **NIST Fingerprint Image Software (NFIS)**.
 - NFIS is a **technology used by the United States Federal Bureau of Investigation (FBI)**, to match fingerprints.
- The government is also working on scaling up data collection.
 - While the **FBI has over 4 crore fingerprints in its database**, the CFPB currently has a database of just over 10 lakh fingerprints.

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Q. 'Right to Privacy' is protected under which Article of the Constitution of India?

- (a) Article 15
- (b) Article 19
- (c) Article 21
- (d) Article 29

Ans: (c)

Exp:

- In **[Puttaswamy v. Union of India case, 2017](#)**, the Right to Privacy was declared a fundamental right by the Supreme Court.
- Right to Privacy is protected as an intrinsic part of the Right to Life and Personal Liberty under Article 21 and as a part of the freedoms guaranteed by Part III of the Indian Constitution.

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