

सत्यमेव जयते

The Criminal Procedure (Identification) Act, 2022

(ACT NO. 11 OF 2022)

[*As on the* 6*th October,* 2025]

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LIST OF ABBREVIATIONS USED

G.S.R.	*for*	General Statutory Rules.
S.O.	,,	Statutory Order.
Notifn.	,,	Notification.

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THE CRIMINAL PROCEDURE (IDENTIFICATION) ACT, 2022

ARRANGEMENT OF SECTIONS

SECTIONS.

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THE CRIMINAL PROCEDURE (IDENTIFICATION) ACT, 2022

ACT NO. 11 OF 2022

[*18th April*, 2022.]

An Act to authorise for taking measurements of convicts and other persons for the purposes of identification and investigation in criminal matters and to preserve records and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. Short title and commencement. — (*1*) This Act may be called the Criminal Procedure (Identification) Act, 2022.

(*2*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint.

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 behaviour or maintaining peace, the Executive Magistrate;

(*b*) "measurements" includes finger-impressions, palm-print impressions, foot-print impressions, photographs, iris and retina scan, physical, biological samples and their analysis, behavioural attributes including signatures, handwriting or any other examination referred to in section 53 or section 53A of the Code of Criminal Procedure, 1973 (2 of 1974);

(*c*) "police officer" means the officer-in-charge of a police station or an officer not below the rank of Head Constable;

(*d*) "prescribed" means prescribed by rules made under this Act;

(*e*) "prison officer" means an officer of prison not below the rank of Head Warder.

(*2*) Words and expressions used herein and not defined but defined in the Indian Penal Code (45 of 1860) and the Code of Criminal Procedure, 1973 (2 of 1974) shall have the same meanings respectively assigned to them in those Codes.

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 behaviour or maintaining peace under section 117 of the Code of Criminal Procedure, 1973 (2 of 1974) for a proceeding under section 107 or section 108 or section 109 or section 110 of the said Code; or

(*c*) arrested in connection with an offence punishable under any law for the time being in force or detained under any preventive detention law,

1. 4th August, 2022, *vide* notification No. S.O. 3653(E), dated 3rd August, 2022, *see* Gazette of India, Extraordinary, Part II, sec. 3(*ii*).

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.

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 record 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.

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 (2 of 1974) 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.

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 (45 of 1860).

7. Bar of suit.— 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.

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8. Power to make rules.— (*1*) The Central Government or the State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely:—

(*a*) the manner of taking measurements under section 3;

(*b*) the manner of collection, storing, preservation of measurements and sharing, dissemination, destruction and disposal of records under sub-section (*1*) of section 4;

(*c*) the manner of taking of measurements under sub-section (*1*) of section 6;

(*d*) any other matter which is to be prescribed, or in respect of which provision is to be made.

(*3*) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(*4*) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

9. Power to remove difficulties.— (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary for removing the difficulty:

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

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

10. Repeal and saving.— (*1*) The Identification of Prisoners Act, 1920 (33 of 1920) is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken or purported to have done or taken including any rule, regulation, or any proceedings taken, any rule made or any direction given or any proceedings taken or any penalty or fine imposed under the repealed Act shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

(*3*) The mention of particular matters in sub-section (*2*) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 (10 of 1897) with regard to the effect of repeal.

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STATEMENT OF OBJECTS AND REASONS

The Identification of Prisoners Act, 1920 was enacted to authorise the taking of measurements and photographs of convicts and other persons. The term "measurements" used in the said Act is limited to allow for taking of finger impressions and foot-print impressions of limited category of convicted and non-convicted persons and photographs on the order of a Magistrate.

2. New ‘‘measurement’’ techniques being used in advanced countries are giving credible and reliable results and are recognised world over. The Act does not provide for taking these body measurements as many of the techniques and technologies had not been developed at that point of time. It is, therefore, essential to make provisions for modern techniques to capture and record appropriate body measurements in place of existing limited measurements.

3. The said Act, in its present form, provides access to limited category of persons whose body measurements can be taken. It is considered necessary 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.

4. Therefore, there is a need for expanding the scope and ambit of the ‘‘measurements’’ which can be taken under the provisions of law as it will help in unique identification of a person involved in any crime and will assist the investigating agencies in solving the criminal case.

5. The Criminal Procedure (Identification) Bill, 2022 provides for 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.

6. The said Bill, inter alia, seeks:—

(*i*) to define ‘‘measurements’’ to include finger-impressions, palm-print and foot-print impressions, photographs, iris and retina scan, physical, biological samples and their analysis, etc.;

(*ii*) to empower the National Crime Records Bureau of India to collect, store and preserve the record of measurements and for sharing, dissemination, destruction and disposal of records;

(*iii*) to empower a Magistrate to direct any person to give measurements;

(*iv*) to empower police or prison officer to take measurements of any person who resists or refuses to give measurements.

7. The Bill seeks to achieve the above objectives.

AMIT SHAH.

NEW DELHI;
The 23*rd March*, 2022.