

Law that lets cops store accused's data in force from today

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New Delhi : The Criminal Procedure (Identification) Act, 2022 — which authorises police officers to take measurements of persons convicted, arrested or facing trial in criminal cases, including their iris and retina scans and even biological samples with exceptions, and store these for up to 75 years — shall come into force from Thursday. The rules under the Act, cleared by Parliament in April this year, are expected to be notified soon, said sources.

“In exercise of the powers conferred by sub-section (2) of section 1 of the Criminal Procedure (Identification) Act, 2022, the central government hereby appoints August 4, 2022, as the date on which the said Act shall come into force,” said a home ministry notification issued on Wednesday.

A government official told TOI that the rules under the Act are currently being vetted by the law ministry. The Act, while being discussed as a Bill in Parliament, had invited sharp criticism from opposition parties which alleged that it violates an individual's privacy and liberties.

Replying to the opposition's concerns, home minister Amit Shah had assured that the rules for the implementation of the proposed law would have safeguards against any misuse of the identification database and biological samples, by fixing accountability of those entrusted with the safety of data.

Shah, who defended the Bill against opposition's charge of being intrusive and violative of the Supreme Court verdict on privacy, had said only designated people will have the code to access the data. He said those detained for apprehension of breach of peace and in connection with political protests, would be kept out of the Bill's purview. He had clarified that its provisions do not allow narco-analysis, brainmapping or polygraph as part of the measurements. The Criminal Procedure (Identification) Act adds retina and iris scans, handwriting, signatures,

physical samples and, with some exceptions, biological samples to the measurements to be taken if a person is convicted of or arrested in relation to any offence. It also authorises National Crime Records Bureau (NCRB) to store, preserve, share with any law enforcement agency and destroy the record of measurements at national level.



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