

Criminal Procedure (Identification) Rules, 2022

UNION OF INDIA

India

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New Delhi, the 19th September, 2022G.S.R. 708(E).—In exercise of the powers conferred by section 8 of the Criminal Procedure (Identification) Act, 2022 (11 of 2022), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement.-

(1)These rules may be called the Criminal Procedure (Identification) Rules, 2022.(2)They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.-

(1)In these rules, unless the context otherwise requires, -(a)“Act” means the Criminal Procedure (Identification) Act, 2022 (11 of 2022);(b)“authorised user” means a police officer or a prison officer of the Central Government or State Government or Union territory Administration, authorised by the Bureau, to access the database;(c)“Bureau” means the National Crime Records Bureau and the units under its control;(d)“database” means the information containing the record of measurements;(e)“device” means an equipment or the information technology system used for collection or storage or matching of the record of measurements, registered with the Bureau;(f)"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);(2)Words and expressions used herein and not defined, but defined in the Act, shall have the same meanings as assigned to them in the Act.

3. Taking of measurements.-

(1) The authorised user or any person skilled in taking the measurements or a registered medical practitioner or any other person so authorised in this behalf may take the measurements of a person for the purposes of the Act; Provided that the measurements of a person arrested in connection with an offence under Chapter IXA or Chapter X of the Indian Penal Code, 1860 (45 of 1860) shall be taken with the prior written approval of a Police officer not below the rank of Superintendent of Police: Provided further that the measurements of a person charged with violation of any prohibitory order issued under section 144 or section 145 or arrested under section 151 of the Code of Criminal Procedure, 1973 (20 of 1974) shall not be taken unless such person is charged or arrested in connection with any other offence punishable under any other law for the time being in force: Provided also that the measurements of a person shall not be taken on the initiation of proceeding under section 107 or section 108 or section 109 or section 110 of the said Code unless such person has been ordered to give security for his good behaviour or maintaining peace under section 117 of the said Code for a proceeding under the said sections. (2) The Bureau shall issue the Standard Operating Procedures for taking the measurements, which may include the following, namely: (a) specifications of the equipments or devices to be used for taking measurements; (b) specifications and the format, including digital or physical, of the measurements to be taken; (c) method of handling and storage of measurements in the database at the level of State Government or Union territory Administration in a format compatible with the database of the Bureau; (d) information technology system to be used for taking of measurements: Provided that the State Government or Union territory Administration using its own information technology system shall provide compatible application programming interfaces for sharing the measurements or record of measurements with the Bureau.

4. Manner of taking of measurements of a person who resists or refuses to allow taking of measurements. -

If any person who is required to allow the measurements to be taken under the Act resists or refuses to allow taking of such measurements, the authorised user shall take the measurements in accordance with the provisions of sections 53 and 53A of the Code of Criminal Procedure, 1973 (2 of 1974).

5. Manner of collection, storing, preservation, processing, sharing, dissemination, destruction and disposal of measurements. -

(1) The record of measurements shall be stored and preserved in a secure and encrypted format as specified in the Standard Operating Procedures. (2) In case any measurement is collected in physical form or in a non-standard digital format, it shall be converted into standard digital format and thereafter uploaded in the database as per the Standard Operating Procedures, which may include the following, namely: (a) process to be followed by an authorised user for uploading the measurements in the database using the registered device; (b) standard digital format in which each type of measurements shall be converted before uploading into the database; (c) encryption method

to be followed;(d)manner of registering the device.(3)An authorised user, for matching the record of measurements of a person, shall forward the request to the Bureau through the device and the Bureau shall match the record and provide report to the authorised user through secure network as soon as possible.(4)The procedure for destruction and disposal of records shall be specified in the Standard Operating Procedures.(5)(i)Any request for destruction of record of measurements shall be made to the Nodal Officer to be nominated by the respective State Government or Union territory Administration or Central Government, as the case may be, concerned with the criminal case in which the measurements were taken.(ii)The request for destruction of the record of measurements shall be recommended by the Nodal Officer to the Bureau after verifying that such record of measurements is not linked with any other criminal cases.(6)Any act of unauthorised access, distribution or sharing of data collected under the Act shall be punishable as per the provisions of the Indian Penal Code, 1860 and the Information Technology Act, 2000.

6. Compliance with the Standard Operating Procedure issued by the Bureau.-

The State Government or Union territory Administration or the law enforcement agency of the Central Government shall cause its authorised user to comply with the Standard Operating Procedures.Explanation:- For the purposes of this rule, “Standard Operating Procedures” means any guidelines or standards or specifications issued by the Bureau for collection, storage, processing, matching, destruction or disposal of the record of measurements from time to time.