



KARNATAKA LEGISLATIVE COUNCIL
ONE HUNDRED AND FORTY FOURTH SESSION

IDENTIFICATION OF PRISONERS (KARNATAKA AMENDMENT) BILL, 2021

(LA Bill No. 25 of 2021)

(As passed by the Karnataka Legislative Assembly)

A Bill further to amend the Identification of Prisoners Act, 1920 in its application to the State of Karnataka.

Whereas it is expedient further to amend the Identification of Prisoners Act, 1920 (Central Act 33 of 1920), in its application to the State of Karnataka for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Seventy Second year of the Republic of India as follows :-

1. Short title and commencement.-(1) This Act may be called the Identification of Prisoners (Karnataka Amendment) Act, 2021.

(2) It shall come into force at once.

2. Amendment of section 2.- In the Identification of Prisoners Act, 1920 (Central Act 33 of 1920) (hereinafter referred to as the Principal Act), in section 2, in clause (a), after the words 'foot-print impressions' the words "Blood sample, DNA sample, voice sample and Iris scan sample;" shall be inserted.

3. Amendment of section 4.- In section 4, of the Principal Act,-

(i) in clause (a), the words "rigorous imprisonment for a term of one year" the words "imprisonment for a term of one month" shall be substituted.

(ii) In clause (b), after the words and figures "Police Act, 1963" the words "or under any preventive law" shall be inserted.

4. Amendment of section 5.- In section 5, of the Principal Act,-

(a) In the heading, after the words "Power of Magistrate" the words "or Superintendent of Police" shall be inserted;

(b) after the words "if a Magistrate" the words "or Superintendent of Police or Deputy Commissioner of Police" shall be inserted;

(c) for the words figures, brackets and punctuations "code of criminal procedure, 1898, (5 of 1898) the words figures, brackets and punctuations "code of criminal procedure, 1973 (Central Act 2 of 1974)" shall be substituted; and

(d) in the first proviso after the words "Magistrate of the First Class" the words "or Superintendent of Police or Deputy Commissioner of Police" shall be inserted.

5. Substitution of section 7.- In the Principal Act, for section 7, the following shall be substituted, namely:-

"7 Destruction of photographs and records of measurements, etc on acquittal,-

Where any person who, not having been previously convicted of an offence punishable with imprisonment for a term of one month or more has/had/his measurements taken or has been photographed in accordance with the provisions of this Act is released without trial or discharged or acquitted by any court, all measurements and all photographs (both negatives and copies) so taken shall, unless the Court or the District Magistrate or the Superintendent of Police or the Sub-divisional Magistrate or in any area for which a Commissioner of Police has been appointed, the Deputy Commissioner of Police, for reason to be recorded in writing, otherwise directs, be destroyed or made over to him after a lapse of ten years from the date of such acquittal or after the said person attains the age of Sixty, whichever is later".

STATEMENT OF OBJECTS AND REASONS
(As appended to at the time of Introduction)

It is considered necessary to amend the Identification of Prisoners Act, 1920 (Central Act 33 of 1920), in its application to the State of Karnataka to provide for,-

- (i) inclusion of collection of Blood sample, DNA sample, voice sample and Iris scan sample within the definition of the word measurements of offender for effective surveillance and prevention of breach of peace and crime;
- (ii) empowerment of the Superintendent of Police or Deputy Commissioner of Police to order for collection of measurement in addition to magistrate of first class so that avoidable delay are removed and the workload of the judiciary as well as the police is reduced, which can be utilized for more productive and processing responsibilities;
- (iii) empowerment of the Superintendent of Police or Deputy Commissioner of Police to order for destruction of measurement after a period of ten years unless otherwise directed by the Court or District Magistrate or superintendent of Police or Sub Divisional Magistrate or Deputy Commissioner of Police.

Hence, the Bill.

FINANCIAL MEMORANDUM

There is no extra expenditure involved in the proposed Legislative measure.

AARAGA JNANENDRA
Minister for Home

K.R. MAHALAKSHMI
Secretary
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