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Smile-75



- The Government of India has formulated a comprehensive scheme named “Smile – Support for marginalized persons for livelihood and enterprise” to overcome the problem of desperation and begging.
- Under the Smile-75 initiative, 75 municipal corporations have been identified to implement holistic rehabilitation of people engaged in begging.

Smile 75-Initiatives:

- Government welfare programs in collaboration with Municipal Corporations, Non-Governmental Organizations (NGOs) and other stakeholders have covered a wide range of welfare measures for persons engaged in begging, including their rehabilitation, provision of medical

facilities, counselling, awareness, there will be a broad focus on education, skill development, economic empowerment and convergence.

- The Ministry of Social Justice and Empowerment has also allocated a total budget of Rs 100 crore for the Smile project for the period 2025-26.
- Under this, a target has been set to develop a support system for the holistic rehabilitation of the people engaged in begging.
- Ministry of Social Justice and Empowerment.

This includes a sub-scheme of the following:

- Comprehensive rehabilitation of persons engaged in the act of begging.
- To free the towns/towns and municipal areas from begging.
- To formulate a strategy for comprehensive rehabilitation of persons engaged in the act of begging through coordinated action of various stakeholders.

Status of population engaged in begging in India:

- According to the 2011 census, the total number of beggars in India is 4, 13,670 (2, 21,673 males and 1, 91,997 females) and their numbers have increased as compared to the previous census.
- West Bengal tops it, followed by Uttar Pradesh and Bihar at number two and third place respectively. According to the 2011 census, there are only two beggars in Lakshadweep.
- The Union Territory of New Delhi had the highest number of beggars at 2,187, followed by Chandigarh with 121.
- Among the north-eastern states, Assam tops with 22,116 beggars, while Mizoram ranks lower with 53 beggars.

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Criminal Procedure (Identity) Act, 2022



- Recently the Criminal Procedure (Identity) Act, 2022 has come into force after it was passed in Parliament in April 2022.
- It replaces a colonial-era law, the Identification of Prisoners Act, 1920, and authorizes police officers to identify people convicted, arrested or facing trial in criminal cases.

Criminal Procedure (Identity) Act, 2022

- It gives legal permission to the police to take physical and biological samples of criminals as well as those accused of crimes.
- Police can collect data under Section 53 or Section 53A of the Code of Criminal Procedure (CrPC), 1973.
- Data that may be collected: Finger-impressions, palm-print impressions, footprint impressions, photographs, iris and retinal scans, physical, biological specimens and their analysis, behavioral properties including signatures, handwriting or any other examination.
- CrPC is the primary law with respect to procedural aspects of criminal law.
- Any person convicted, arrested or detained under any preventive detention law shall be required to provide a “measurement” to a police officer or prison officer.
- National Crime Records Bureau (NCRB) will act as a repository of physical and biological specimens, signature and handwriting data where they can be preserved for at least 75 years.
- It aims to ensure the unique identity of the people involved in the crime and help the investigating agencies in solving the cases.

The need to change the previous act:

- The purpose of this bill is to replace the 'Identification of Prisoners Act, 1920'.
- In which amendments were proposed in the 87th Report of the Law Commission of India in the year 1980s and in the judgment of the Supreme Court in the case 'State of Uttar Pradesh Vs Ram Babu Mishra' (1980).
- The Act needs to be amended to include "palm impression", "signature or writing sample" and "voice sample" in the first set of recommendations and to expand the scope of measurement.
- The second set of recommendations has sought the need to allow sampling for actions other than those under the Code of Criminal Procedure (CrPC).
- The Law Commission report also states that the need for amendment is reflected in the many amendments made to the Act by several states.
- It was realized that with advances in forensics there is a need to identify more types of "measurements" that can be used by law enforcement agencies for investigation.

Significance of the Act:

Modern technology:

- The Act provides for the use of modern techniques for recording appropriate body measurements.
- The existing law allows only 'fingerprint' and 'footprint' to be taken of a limited category of convicted persons.

Help investigative agencies:

- Expansion of the scope of 'persons' (whose samples can be taken) will help the investigating agencies to gather sufficient legally acceptable evidence and prove the guilt of the accused person.

Making testing more efficient:

- It provides legal approval for taking suitable samples from the bodies of persons who are required to provide such samples and will also help in making the investigation of crime more efficient and speedy and increase the conviction rate.

Legal Issues:

Undermining the right to privacy:

- This legislative proposal undermines the right to privacy not only of persons convicted of crime but of every ordinary Indian citizen.
- The Bill proposes to collect biological samples of even protesters involved in political protests.

Thin provision:

- The proposed law aims to replace the 'Prisoner Identification Act, 1920', while also substantially expanding its scope and reach.
- Terms such as 'biological sampling' are not described much, so any somatic intervention such as taking blood and hair samples or collection of DNA samples can be performed.
- Presently such interventions require the written approval of a magistrate.

Violation of Article 20:

- Apprehensions have been raised that the Bill has enabled arbitrary collection of samples and has the potential to violate Article 20(3) which gives protection against self-incrimination.
- The bill implicates the use of force in the collection of biological information, which can lead to 'narco testing' and 'brain mapping'.

Data Management:

- This bill allows preservation of records for 75 years. Other concerns include the means by which the collected data will be protected, shared, transmitted and destroyed.
- Collection may also result in mass surveillance, with the law linking the database with other databases such as the Crime and Criminal Tracking Network and System (CCTNS).
- The Crime and Criminal Tracking Network and System (CCTNS) has been conceived from the experience of Common Integrated Police Application (CIPA).

Lack of awareness among prisoners:

- Although the Bill provides that an arrested person (not accused of a crime against a woman or a child) can refuse to give samples, but in the absence of awareness, not all detainees will be able to exercise this right.

- It will also not be too difficult for the police to ignore such refusal and later they can claim that they collected samples with the consent of the prisoner.

Swadeep Kumar

