

The Criminal Procedure (Identification) Act, 2022: A Critical Appraisal in the Light of Right to Equality & Privacy*

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ABSTRACT

On April 4 and 6, Lok Sabha and Rajya Sabha had respectively passed the Criminal Procedure(Identification) Bill, 2022 following a lengthy debate. With the President giving his assent to the Bill on April 18, it was duly notified by the Government, bringing the Act into force. It is a modification of the Identification of Prisoners Act, 1920, which stands repealed through Section 10(1) of the 2022 Act. In entirety, there has been considerable evolution as compared to the previous 1920 Act which is a colonial law that permitted the collection of fingerprints, footprint impressions, and photographs of convicts and others. The Criminal Procedure (Identification) Act, 2022 was enacted with the aim of authorizing law enforcement agencies to take measurements of convicts and other persons for the purposes of identification and investigation in criminal matters. It is essential to note that the 2022 Act is digitalizing the criminal records and paving the way to make data with respect to criminals easily available through a centralized database, thereby being in accordance with the global standards adopted by various other countries. The Act widens the power of State and its enforcement agencies during a criminal investigation, with regard to the taking of biometric and other biological data of any person arrested by the police, including persons detained under preventive detention laws. While the term ‘any person’ doesn’t specify exactly who are to come under the purview of this Act, it widens the scope of its application, leaving it to the whims and fancies of the State and its enforcement agencies. The author intends to analyse the Act’s potential misuse and possible intrusion into the ambit of fundamental rights such as the right to equality and privacy of those covered by the Act. Further, the author wishes to provide a concise explanation of the Act and numerous other related issues.

Keywords: Investigation, Criminal records, biological data, Centralised database, Fundamental rights.

INTRODUCTION

The contemporary legislation titled “*The Criminal Procedure (Identification) Act, 2022*” has triggered a lot of hue and cry on the ground of human rights violation amongst social activists. It has substituted *The Identification of Prisoners Act* formulated by the Britishers in the year 1920. The Criminal Procedure (Identification) Bill, 2022 was introduced in the Lok Sabha on 28th March 2022. It was passed by the Lok Sabha and Rajya Sabha on 4th & 6th April 2022 and it ultimately became a law after receiving Presidential assent on 18th April, 2022.¹ In 1980, the law commission reviewed *The Identification of Prisoners Act* and highlighted the urgent need to modify the existing legislation in its 87th report. Even the Apex court has observed in the case of *State of UP v. Ram Babu Misra*², the need to amend the colonial-era law way back in 1980. The law commission recommended that ambit of measurement should be broadened to include “palm impressions”, “specimen of signature or writing” and “specimen of voice”. Further, it opined that these measurements must not be kept limited to proceedings under *The Code of Criminal Procedure, 1973* but must be extended to proceedings under other statutes also. Keeping in mind the progress made in present times in the area of forensic science, new kinds of

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¹ Available at: <https://www.livelaw.in/columns/criminal-procedure-identification-act-identification-of-prisoners-act-criminal-procedure-code-216762> (Accessed: April 12, 2024).

² AIR 1980 SC 791.

measurements must be recognised to make investigation more effective and efficient.³ But at the same time, these innovative techniques must not intervene into the sphere of privacy of an individual. In India, the right to privacy is a fundamental right protected under Article 21 of the Indian Constitution. The most recent affirmation of this right came in a historic 2017 decision of Justice K.S. Puttaswamy (Retd) v. Union of India. In the ruling, the right to privacy was acknowledged as a fundamental right and stipulated that it must be subject to reasonable restrictions that are required to safeguard the interests of the general public and the State. Further, the apex court has held that individuals have a right to privacy in matters such as their personal information, communication, and other private matters. It has also decided that the State must ensure that its citizens' privacy is protected from arbitrary interference.

The Identification of Prisoners Act, 1920

The Act authorised the recording of measurements and photographs of convicts and others to facilitate the investigation into an offence. The officer in-charge of police station, police officer making an investigation under chapter XIV of *The Code of Criminal Procedure* or any other police officer not below the rank of sub-inspector were empowered to take measurements under the Act. Footprints and finger impression were included in the ambit of measurement.⁴ The police officer can take the measurements of every such person, as prescribed by law, who is either convicted for an offence which is punishable with rigorous imprisonment of one year upwards or such an offence which make him liable to enhanced punishment on subsequent conviction or any person who is required to furnish security for good behaviour under section 118 of *The Code of Criminal Procedure*, 1973.⁵

This Act is equally applicable on non-convicts. It even mandates the person who has been arrested for an offence punishable with rigorous imprisonment of one year or upwards, to give his measurements if so, required by the police officer.⁶ Not only the measurements are permitted by the Act but it allows the photographs also. Only magistrate first class is empowered to pass such an order. If the magistrate thinks fit that photographs need to be taken along with measurement of any such person who has been at least once arrested in connection with investigation or proceedings under *The Code of Criminal Procedure*, he can pass the order accordingly.⁷

If any person who is so required to give his measurements or photographs, resists to such taking, he can be prosecuted under section 186 of *The Indian Penal Code*, 1860 (obstructing a public servant from doing his duty). It shall be lawful to adopt all means necessary to secure taking of measurements or photographs.⁸ In case the person whose measurements or photographs are taken is released without trial, discharged or acquitted, all his measurements and photographs including negatives and copies shall be either destroyed or handed over to him. The court, district magistrate and sub divisional magistrate are empowered to direct otherwise but reasons must be recorded for such an order.⁹ All the rule making powers were vested with the state government.

The Criminal Procedure (Identification) Act, 2022

The colonial law of 1920 has been completely changed by the contemporary law. Keeping pace with technological development, the new Act provides for digitization of collected records so that it can be easily accessed through centralised database thereby adapting the measures followed by various other nations.¹⁰ The Act of 2022 was enacted to empower the law enforcement authorities to collect measurements of convicts and other persons for the purpose of conducting investigation and identification in the criminal matters. The Act has reformulated and expanded the ambit of measurement. According to section 2(b) of the Act, Measurement

³ Available at: <https://www.drishtiias.com/daily-updates/daily-news-analysis/criminal-procedure-identification-act-2022> (Accessed: April 10, 2024).

⁴ Section 2, The Identification of Prisoners Act, 1920.

⁵ Section 3, The Identification of Prisoners Act, 1920.

⁶ Section 4, The Identification of Prisoners Act, 1920.

⁷ Section 5, The Identification of Prisoners Act, 1920.

⁸ Section 6, The Identification of Prisoners Act, 1920.

⁹ Section 7, The Identification of Prisoners Act, 1920.

¹⁰ Available at <https://www.mondaq.com/india/crime/1227840/the-criminal-procedure-identification-act--2022> (Accessed: April 11, 2024).

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*”.¹¹

Section 3 has widened the scope of taking of measurements. It authorises the taking of measurements not only from any person who is either convicted under any law for the time being in force but who is even arrested or detained under any law. Apart from these, it covers the person who is ordered to give security for proceedings under section 107, 108, 109 or 110 of *The Code of Criminal Procedure, 1973*. The police officer or prison officer, if thinks fit, may collect such measurements in a manner prescribed by the central or state government. Except for those convicted for offence committed against women, child or for any offence punishable for not less than seven years, no person is obligated to submit to biological sample collection.¹²

It is the responsibility of the National Crime Records Bureau to collect the records of samples from law enforcement authorities. They shall further store, preserve and destroy these records at national level. After processing the records with related crime and criminal records, the bureau shall forward the records to law enforcement agencies. The records must be preserved digitally for a period of seventy-five years from the date of collection of measurement. But in case where a person who has not been previously convicted is either released or acquitted or discharged, his whole record of measurement should be destroyed unless the court or magistrate directs otherwise. The state government and the union territories are empowered to decide the appropriate authority to collection, preservation and distribution of these measurements.¹³ The magistrate is empowered to give directions to any person to submit to measurement in the interest of justice. The person so ordered has to give his measurements as directed.¹⁴ Any person who is directed to give his measurements cannot refuse or resist to such giving. Otherwise, he can be charged under section 186 of *The Indian Penal Code, 1860*.¹⁵ Section 7 provides immunity against suit or proceeding to every person who did or intends to do under this act or any such rule in good faith.

Comparative Analysis with *The Identification of Prisoners Act, 1920*

The new Act has already repealed the 1920 Act. But to understand the latest legislation in its true sense it is important to make a comparative analysis of both the legislations.

i. Scope of Measurement

The 1920 Act allowed the measurements in the form of foot and finger impressions and photographs. But the 2022 Act has modified and expanded the ambit of measurements to include palm-print impressions, iris and retina scan, behavioural attributes like signatures or handwritings and even physical and biological samples which include blood, semen, hair and other examination referred under section 53 or 53A of *The Code of Criminal Procedure, 1973*.¹⁶

ii. Taking of Measurement

The Act of 1920 allowed the measurements to be taken only of either the person is convicted or is arrested for any offence punishable with rigorous imprisonment of one year or upwards. The latest Act, on the other hand, allows taking of measurement of not only those who are convicted or arrested for any offence but also of the person who is detained or arrested under preventive detention law. In order to aid the investigation, the magistrate is empowered to pass an order requiring any such to submit to measurement. But it carves out an exception that no person other than those convicted for offences committed against women or child or punishable with

¹¹ Available at <https://prsindia.org/billtrack/prs-products/issues-for-consideration-3946#:~:> (Accessed: April 12, 2024).

¹² Available at <https://egazette.nic.in/WriteReadData/2022/235184.pdfshould> (Accessed: April 13, 2024).

¹³ Section 4, The Criminal Procedure (Identification) Act, 2023.

¹⁴ Section 5, The Criminal Procedure (Identification) Act, 2022

¹⁵ Section 6, The Criminal Procedure (Identification) Act, 2022.

¹⁶ Available at <https://www.legalserviceindia.com/legal/article-9530-analysis-of-the-criminal-procedure-identification-act2022.html#:text=The%20Act%20fails%20to%20addressor%20convicts%20or%20persons%20detained> (Accessed: April 13, 2024).

imprisonment of seven years or upwards be compelled to give biological samples. Under the old law, power to take measurement was vested with police officials only but the new law has empowered prison officials (head warder) also.¹⁷

iii. Handling of measurement records

The National Crime Records Bureau is empowered under new Act to collect, store, preserve, destroy and share the measurements records with the law enforcement agencies. But the 1920 Act did not prescribe any such authority. Rather the state government was empowered to frame rule with regard to preservation, destruction etc. of the measurement records.¹⁸

iv. Direction for collection of measurement

Under the 1920 Act, only the magistrate was empowered to direct collection of measurement. On the other hand, the new Act not only authorises the magistrate first class or the metropolitan magistrate but also the executive magistrate in case of persons who are required to keep good behaviour or peace.¹⁹

v. Power to make rules

The state government was only vested with the power to make rules under the 1920 Act but under the 2022 Act the central government also has the equal power to make rules.²⁰

A Critical Evaluation of *The Criminal Procedure (Identification) Act, 2022*

While enlarging the scope of measurement, the act has come as a boon for law enforcement agencies. Now the investigation will become easier and speedy as the police officers has access to gobs of information regarding the convicted or arrested person which in turn will help the agencies to track the criminal conveniently. It will increase the conviction rate in the country.²¹

The Act has popularised the use of modern technology for the recording of measurement of the convicted or arrested persons. This was must for a country like India to compete on global level in the area of investigation of crimes. The scope of persons whose measurement can be taken is also broadened. Earlier, measurement was allowed of handful of persons but latest law has expanded the scope with just an exception in case of biological samples. The agencies can easily frame the chain of the persons to find the accused. This will also aid the investigation agencies by making the investigation easier, faster and efficient.²²

Undoubtedly, the new legislation has broadened the ambit of measurements. Recordings of measurements has three benefits. Firstly, to confirm the identity of accused against the arrested person, Secondly, to diagnose the suspected repetition of identical offences by the same person, Thirdly, to confirm former conviction.²³

¹⁷ Available at <https://www.mondaq.com/india/crime/1227840/the-criminal-procedure-identification-act--2022> (Accessed: April 15, 2024)

¹⁸ Available at https://www.indiacode.nic.in/bitstream/123456789/18472/1/identification_of_prisoners_act%20C_1920.pdf (Accessed: April 15, 2024).

¹⁹ Available at <https://prsindia.org/billtrack/prs-products/issues-for-consideration-3946#:~:text=Sources%3A%20The%20Identification%20of%20Prisoners,data%20with%20law%20enforcement%20agencies> (Accessed: April 14, 2024).

²⁰ Available at <https://www.mondaq.com/india/crime/1227840/the-criminal-procedure-identification-act--2022> (Accessed: April 16, 2024).

²¹ Available at <https://www.drishtiias.com/daily-updates/daily-news-analysis/criminal-procedure-identification-act-2022> (Accessed: April 12, 2024).

²² Available at <https://www.legalserviceindia.com/legal/article-9530-analysis-of-the-criminal-procedure-identification-act2022.html#:text=The%20Act%20fails%20to%20addressor%20convicts%20or%20persons%20detained> (Accessed: April 13, 2024).

²³ Available at <https://www.thehindu.com/news/national/expained-what-is-the-criminal-procedure-identification-act-2022/article65757554.ece> (Accessed: April 14, 2024).

The Act has failed to comply with the four- fold test laid down by the apex court in *K.S Puttuswamy v. Union of India*²⁴. The apex court in this case has observed that “Right to Privacy is the fundamental right and is protected under Article 14, 19 and 21 of the Indian Constitution”. The four- fold test explains and applies “tests of legitimate aim, suitable means, necessity of said means and proportionality to adjudicate the constitutionality of any State action vis-à-vis the right to privacy”. The procedure endorsed by the legislation is neither reasonable nor harmonious in assisting the investigation in criminal matters. Firstly, the National Crime Records Bureau is empowered to keep the record of measurements for a period of seventy-five years but the Act has failed to justify the retention of huge database or lay down the evidence that such records will be helpful in future investigation. Secondly, the magistrate is empowered to direct “any person” to submit to measurement without making any exceptions on the grounds of nature of crime, extent of criminality, requirement of specific evidence etc. thereby making the legislation exceed the proportionality principle.²⁵

The Act substantively permits authorities to collect signatures and handwriting, or any other examination as given under Section 53 or 53A of the Code of Criminal Procedure, 1973. This may result in power-centric rule of the sovereign. The plight of citizens in India is that it leaves no personal space for the people. Providing biometric data to public servant officials is violative of their privacy rights. Exercise of absolute power by the government can result in corrupt social and political systems. To elaborate further, the term “shall” in Section 3 of the Bill sheds light on the compulsion of convicted person to provide officials with their data. There is no option for voluntary consent to the prisoners. The absence of strict laws on data protection is the major problem for our society. This may even lead to loss of collected data and the repercussions of the same will cause several misuse of information. Society is the concoction of criminals, offenders and innocents. And all the people should have access to basic humanitarian law. This Act is violative of fundamentals of life, including security and safeguards from executive operation. The legal system of a country must be for the people, of the people and by the people. This Act neither aims to secure people nor does it help to provide them a basic dignity. Any legislation passed by the Parliament is for “all,” including the convicted offenders in criminal law. Even prisoners have the right to lead their lives. Constitutional values of liberty, equality, fraternity and justice are not exclusive of prisoners’ rights.

The insecurity of personal data loss may cause these people to suffer mental trauma and other disorders. As per the rule of law, it is the duty of the sovereign to protect each and every citizen from suffering any kind of human rights violation. People who are surviving in a democratic country elect their representatives with the mindset that they will be benefitted. This Bill may help the authorities in record-keeping or in making a history sheet of the chronic offenders. But the same may infringe upon the rights of prisoners who are accused under the criminal system and are not proved guilty under any law. The legislative body of the Republic of India must keep in mind that India is a signatory to the International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966 and is obliged under Article 2(2) to guarantee economic, social and cultural rights to every citizen irrespective of any basis for discrimination. Thereby, prisoners too must be given all the rights.

The Act further endangers the citizens by making the authoritarian power arbitrary. The case of *E.P. Royappa v. State of Tamil Nadu*²⁶ held the concept of equality as dynamic and ruled that it cannot be confined, cabined and cribbed. The convicted persons must also be given rights by judicial pronouncements as precedence in the framework of legislation. This will let freedom come out of the traditional and doctrinaire limits.

Privacy rights, as discussed in the case of *Maneka Gandhi v. Union of India*²⁷ are deliberately widened by the Court. The opinion was to expand the reach and ambit of the fundamental rights rather than to attenuate their meaning and content by a process of judicial construction. Law and policymakers should undergo empirical and extensive research of the judgments passed by the various High Courts and Supreme Courts. The Act must be drafted in accordance with the judgments, constitutional values and human rights. This will provide fundamental

²⁴ (2017) 10 SCC 1.

²⁵ Available at <https://www.drishtiias.com/daily-updates/daily-news-analysis/criminal-procedure-identification-act-2022> (Accessed: April 12, 2024).

²⁶ AIR 1974 SC 555

²⁷ AIR 1978 SC 597

freedom to all the citizens, including convicted or the arrested prisoners. For the same, effective and efficient review of the Act must be done for setting the ideals of liberty, equality and freedom.²⁸

Other than these, there are certain lacunas in implementation of the provisions of this Act which need to be addressed. Some of them are discussed below:

- i. Some of the terms like biological samples, analysis and behavioural attitudes are used in the definition of the term “Measurements”. These terms have not been defined in the whole Act leaving them open for different interpretations and thus, leading to violation of Right against Self- incrimination under Article 20 (3) of the Indian Constitution.²⁹
- ii. The Act does not categorise the accused persons on the basis of nature of offence charged. It treats the person accused of petty offences at par with person accused of heinous offences.³⁰
- iii. It is well settled principle of law that legislature cannot delegate its imperative legislative function to the executive. But the new legislation delegates excessive power at every stage of the process. The first stage is collection of measurements. The magistrate is given wide powers under section 5 of the Act. He can direct “any person” to give measurements. This power is without any procedural safeguard. The 1920 Act had provided that this direction by magistrate can be only given to such person who has been once arrested in connection with the investigation. Moreover, the Act misses to provide the grounds on which the magistrate can exercise such discretion. Next comes the storing, preservation and distribution of records of measurements under Section 4. But it fails to lay down proper guidelines as to When, Purpose, Whom and methodology through, the whole process will be carried out. Further, the Act provides that the measurements shall be preserved for seventy-five years but is silent about what will happen beyond that. Moreover, this preservation period is applicable on those records that are collected by the National Crime Records Bureau. Again, the Act is silent about the measurements collected by the authorities constituted by either the state or the central government. The Act misses on the time period for which such records be stored or under what conditions such records be collected. Lastly, both the state and the central government are empowered under Section 8 to make rules by notification regarding treatment of measurement records which is to be intrinsic function of legislature. It is amply clear from above provisions that there is excessive delegation of power to executive which makes the abuse and lack of accountability more probable.³¹
- iv. The Act has popularised the use of modern technology for the recording of measurement of the convicted or arrested persons. This was must for a country like India to compete on global level in the area of investigation of crimes. The scope of persons whose measurement can be taken is also broadened. Earlier, measurement was allowed of handful of persons but latest law has expanded the scope with just an exception in case of biological samples. The agencies can easily frame the chain of the persons to find the accused. This will also aid the investigation agencies making the investigation easier, faster and efficient.³²
- v. The discretionary power given to magistrate to direct any individual to submit to measurement is violative of article 14 of Indian Constitution which provides protection to an individual against arbitrary state action. Further, the security of records that are stored for seventy-five long years is a major concern

²⁸ Available at <https://www.jurist.org/commentary/2022/05/bhavya-agarwal-india-criminal-procedure-identification/> (Accessed: June 12, 2024)

²⁹ Available at <https://www.mondaq.com/india/crime/1227840/the-criminal-procedure-identification-act--2022> (Accessed: April 16, 2024).

³⁰ Available at <https://www.sconline.com/blog/post/2022/05/31/questioning-the-feasibility-of-the-criminal-procedure-identification-act-2022/> (Accessed: April 16, 2024).

³¹ Available at <https://clsnluo.com/2022/08/01/examining-the-constitutionality-of-the-criminal-procedure-identification-act-2022/> (Accessed: April 16, 2024).

³² Available at <https://www.legalserviceindia.com/legal/article-9530-analysis-of-the-criminal-procedure-identification-act2022.html#:text=The%20Act%20fails%20to%20addressor%20convicts%20or%20persons%20detained> (Accessed: April 14, 2024).

in country like India which lacks infrastructure. The data is more vulnerable to be misused. Viewing the past incidents of data leakage in India, the privacy of individual is at risk.³³

- vi. The Act makes an exception of biological samples in case of (i) offences against women and child and (ii) offences punishable with minimum seven years of imprisonment. The first exception is gender bias and is violative of right to equality.³⁴
- vii. No doubt, it was the need of an hour to replace the old obsolete law and adopt modern scientific advancement in investigations of criminal matters. But the Act missed to lay down specific guidelines for uniform recording of measurements. In the absence of procedural safeguards, there are chances of human error and false positive reports.
- viii. There are chances of conflict between state and central government as both are empowered under the act to frame rules.
- ix. The Act is in contravention to Article 12 of *Universal Declaration of Human Rights*, 1948 and Article 17 of the *International Covenant on Civil and Political Rights*, 1966 which provides protection to persons against arbitrary interference with their privacy, family, home, correspondence, honour and reputation.³⁵

The Act needs proper scrutiny by legislators, law academicians and jurists. The study of jurisprudential values and the teachings of John Austin, English Legal Theorist, must be given to all the law and policymakers. The concept of natural law and philosophy behind its origin is that law and morality are two different aspects. Legal positivism talks of analytical and reasonable approach to the science of legal origin. All the above-mentioned issues including privacy, personal dignity of individuals and the risk of rise in autocratic totalitarianism to the prisoners can be sorted if the origin behind nature and theory of law is taken care of.

CONCLUSION AND SUGGESTIONS

The effort of legislature in framing the Act of 2022 is quite appreciable as it provides for advanced identification of individuals involved in criminal activities and makes the investigation in criminal matters easier and more efficient. But the Act is facing criticism on the grounds of being excessive, disproportionate, privacy encroachment and data protection concerns. The safety of the sensitive information collected under the Act is major issues. In order to overcome this hurdle, the Government must focus on formulation of Data Protection Act with severe sanction in case of its violation. The Act must constrict its sphere of collection and utilisation of measurement records. The utilisation of records, weightage to be given to different records like iris scan, palm print impressions, DNA etc. and the classification of offences for which thorough measurements can be recorded must be strictly regulated by laying down the proper guidelines for making such records efficient and helpful.

There is need to make provisions relating to duties of National Crime Records Bureau and agencies authorised by the government, nature of analysis that can be conducted, procedure to destroy the records and the accountability mechanism for the abuse of records committed by any authority. The period of seventy-five years is quite long with limited infrastructural facilities. This period should be reduced and infrastructural facilities must be developed to prevent data misappropriation. Further, the government must hire experts to collect evidence from scene of crime, must develop forensic laboratory and rely upon advanced equipment to identify the real accused involved in crime. The legislature must completely explain the terminology used in the Act. The authorities working in rural and backward areas must be sensitised towards using and managing the modern technology in recording and processing of measurements. The legislature must lay down rules and regulation to guide the investigation authorities so that the uniformity can be maintained in database throughout the country.

³³ Available at <https://www.mondaq.com/india/crime/1227840/the-criminal-procedure-identification-act--2022> (Accessed: April 16, 2024).

³⁴ Available at <https://www.legalserviceindia.com/legal/article-9530-analysis-of-the-criminal-procedure-identification-act2022.html#:text=The%20Act%20fails%20to%20addressor%20convicts%20or%20persons%20detained> (Accessed: April 14, 2024).

³⁵ Available at <https://www.mondaq.com/india/crime/1227840/the-criminal-procedure-identification-act--2022> (Accessed: April 16, 2024).

The legislature must redress the concern over the excessive delegation of powers so that the sensitive information of public is not misused.

It is apt to mention that the law commission in its 87th report opined that “while expanding the scope of 1920 Act, we must not forget to protect the freedom of an individual”. Ironically, the new legislation expanded the ambit of collecting measurements but with lesser safeguards as compared to the Act of 1920. Undoubtedly, the Identification of Prisoners Act needs complete reformation but that remake must strike a balance between adoption of new skilled measures to aid the investigation agencies and the incorporation of constitutional morals to prevent abuse of such measures, thereby, protecting the rights of people- equality, freedom and privacy. It is pertinent to mention that the latest legislation is challenged in Delhi High Court as being violative of Article 14, 19, 20 (3), 21 of the Indian Constitution but the petition is still pending. Now, the judiciary will examine both sides of the coins and decide the fate of Act of 2022.