

The Identification of Prisoners Act, 1920

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The Identification of Prisoners Act, 1920¹

[Act 33 of 1920]

[9th September, 1920]

*An Act to authorise the taking of measurements
and photographs of convicts and others*

STATE AMENDMENTS

TAMIL NADU.—In its application to the State of Tamil Nadu, in the long title for the expression “measurements and photographs”, the expression “blood samples, measurements and photographs” shall be *substituted*. [Vide T.N. Act 29 of 2010, S. 2]

Whereas it is expedient to authorise the taking of measurements and photographs of convicts and others; It is hereby enacted as follows:—

STATE AMENDMENTS

TAMIL NADU.—In its application to the State of Tamil Nadu, in the preamble for the expression “measurements and photographs”, the expression “blood samples, measurements and photographs” shall be *substituted*. [Vide T.N. Act 29 of 2010, S. 3]

1. Short title and extent.—(1) This Act may be called the Identification of Prisoners Act, 1920; and

²[(2) It extends to the whole of India except ³[the territories which, immediately before the 1st November, 1956, were comprised in Part B States].

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

- (a) “measurements” include finger impressions and foot-print impressions;
- (b) “police officer” means an officer in charge of a police-station, a police officer making an investigation under Chapter XIV of the Code of Criminal Procedure, 1898 (5 of 1898), or any other police officer not below the rank of sub-inspector; and
- (c) “prescribed” means prescribed by rules made under this Act.

STATE AMENDMENTS

TAMIL NADU.—In its application to the State of Tamil Nadu, in Section 2, for the expression “Chapter XIV of the Code of Criminal Procedure, 1898 (Central Act V of 1898)”, the expression “Chapter XII of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974)” shall be *substituted*. [Vide T.N. Act 29 of 2010, S. 4]

3. Taking of measurements, etc., of convicted persons.—Every person who has been—

- (a) convicted of any offence punishable with rigorous imprisonment for a term of one year or upwards, or of any offence which would render him liable to enhanced punishment on a subsequent conviction, or
- (b) ordered to give security for his good behaviour under Section 118 of the Code of Criminal Procedure, 1898 (5 of 1898), shall, if so required, allow

1. This Act has been amended in its application to Bombay by Bombay Acts 11 of 1922, 4 of 1935 and 21 of 1935.

2. *Subs.* by the A.O. 1950, for sub-section (2).

3. *Subs.* by the Adaptation of Laws (No. 3) Order, 1956, for “Part B States”.

his measurements and photograph to be taken by a police officer in the prescribed manner.

STATE AMENDMENTS

TAMIL NADU.—In its application to the State of Tamil Nadu, in Section 3,—

- (i) in the marginal heading, for the expression “measurements, etc.”, the expression “blood samples, measurements and photographs” shall be *substituted*;
- (ii) for the expression “measurements and photograph”, the expression “blood samples, measurements and photographs” shall be *substituted*;
- (iii) for the expression “Section 118 of the Code of Criminal Procedure, 1898 (Central Act V of 1898)”, the expression “Section 117 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974)” shall be *substituted*. [Vide T.N. Act 29 of 2010, S. 5]

4. Taking of measurements, etc., of non-convicted persons.—Any person who has been arrested in connection with an offence punishable with rigorous imprisonment for a term of one year or upwards shall, if so required by a police officer, allow his measurements to be taken in the prescribed manner.

STATE AMENDMENTS

TAMIL NADU.—In its application to the State of Tamil Nadu, in Section 4,—

- (i) in the marginal heading, for the expression “measurements, etc.”, the expression “blood samples, measurements and photographs” shall be *substituted*;
- (ii) for the expression “measurements”, the expression “blood samples, measurements and photographs” shall be *substituted*. [Vide T.N. Act 29 of 2010, S. 6]

SECTION 4-B

KARNATAKA.—In its application to the State of Karnataka, after Section 4-A, the following section shall be *inserted*, namely,—

4-B. Taking of measurement etc., of beggars under the Karnataka Prohibition of Beggary Act, 1975.—Any person who has been arrested and not released under sub-section (3) of Section 11 of the Karnataka Prohibition of Beggary Act, 1975 (Karnataka Act 27 of 1975) or against whom an order of detention has been made under sub-section (1) of Section 12 of the said Act, shall, if so required by an officer in charge of a receiving centre or relief centre allow his measurements and photographs to be taken in the prescribed manner. [Vide Karnataka Act 1 of 1982, S. 2]

5. Power of Magistrate to order a person to be measured or photographed.—If a Magistrate is satisfied that, for the purpose of any investigation or proceeding under the Code of Criminal Procedure, 1898 (5 of 1898) it is expedient to direct any person to allow his measurements or photograph to be taken, he may make an order to that effect, and in that case the person to whom the order relates shall be produced or shall attend at the time and place specified in the order and shall allow his measurements or photograph to be taken, as the case may be, by a police officer:

Provided that no order shall be made directing any person to be photographed except by a Magistrate of the first class:

Provided further, that no order shall be made under this section unless the person has at some time been arrested in connection with such investigation or proceeding.

STATE AMENDMENTS

TAMIL NADU.—In its application to the State of Tamil Nadu, in Section 5,—

- (i) in the marginal heading, for the expression “a person to be measured or photographed”, the expression “to take blood samples from a person or a person to be measured or photographed” shall be *substituted*;
- (ii) for the expression “measurements or photograph”, occurring in two places, the expression “blood samples or measurements or photographs” shall be *substituted*;

- (iii) for the expression "Code of Criminal Procedure, 1898 (Central Act V of 1898)", the expression "Code of Criminal Procedure, 1973 (Central Act 2 of 1974)" shall be *substituted*. [Vide T.N. Act 29 of 2010, S. 7]

6. Resistance to the taking of measurements, etc.—(1) If any person who under this Act is required to allow his measurements or photograph to be taken resists or refuses to allow the taking of the same, it shall be lawful to use all means necessary to secure the taking thereof.

(2) Resistance to or refusal to allow the taking of measurements or photographs under this Act shall be deemed to be an offence under Section 186 of the Indian Penal Code (45 of 1860).

STATE AMENDMENTS

TAMIL NADU.—In its application to the State of Tamil Nadu, in Section 6,—

- (i) in the marginal heading, for the expression "measurements, etc.", the expression "blood samples, measurements and photographs" shall be *substituted*;
- (ii) for the expression "measurements or photograph", occurring in two places, the expression "blood samples, measurements or photographs" shall be *substituted*. [Vide T.N. Act 29 of 2010, S. 8]

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 rigorous imprisonment for a term of one year or upwards, 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 (in a case where such person is released without trial) the District Magistrate or Sub-Divisional Officer for reasons to be recorded in writing otherwise directs, be destroyed or made over to him.

STATE AMENDMENTS

TAMIL NADU.—In its application to the State of Tamil Nadu, in Section 7,—

- (i) in the marginal heading, for the expression "measurements, etc.", the expression "blood samples, measurements and photographs" shall be *substituted*;
- (ii) for the expression "has had his measurements taken or has been photographed", the expression "has had his blood samples or measurements taken or has been photographed" shall be *substituted*;
- (iii) for the expression "all measurements and all photographs", the expression "all records of blood samples, all measurements and all photographs" shall be *substituted*;
- (iv) for the expression "the District Magistrate or Sub-Divisional Officer", the expression "the District Magistrate or the Sub-Divisional Magistrate or in any area where a Commissioner of Police has been appointed, the Commissioner of Police" shall be *substituted*. [Vide T.N. Act 29 of 2010, S. 9]

8. Power to make rules.—(1) The State Government may ⁴[, by notification in the Official Gazette,] make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for—

- (a) restrictions on the taking of photographs of persons under Section 5;
- (b) the places at which measurements and photographs may be taken;
- (c) the nature of the measurements that may be taken;

4. *Ins.* by Act 4 of 1986, S. 2 and Sch. (w.e.f. 15-5-1986).

- (d) the method in which any class or classes of measurements shall be taken;
- (e) the dress to be worn by a person when being photographed under Section 3; and
- (f) the preservation, safe custody, destruction and disposal of records of measurements and photographs.

⁵[(3) Every rule made under this section shall be laid, as soon as may be after it is made, before the State Legislature.]

STATE AMENDMENTS

TAMIL NADU.—In its application to the State of Tamil Nadu, in Section 8, in sub-section (2),—

- (i) in clause (b), for the expression “measurements and photographs”, the expression “blood samples, measurements and photographs” shall be *substituted*;
- (ii) in clause (c), for the expression “measurements”, the expression “blood samples and measurements” shall be *substituted*;
- (iii) in clause (f), for the expression “records of measurements”, the expression “records of blood samples, measurements” shall be *substituted*. [*Vide* T.N. Act 29 of 2010, S. 10]

9. Bar of suits.—No suit or other proceeding shall lie against any person for anything done, or intended to be done, in good faith under this Act or under any rule made thereunder.
