

Identification of Prisoners (Application to Hyderabad) Act, 1956

TELENGANA

India

Identification of Prisoners (Application to Hyderabad) Act, 1956

Act 27 of 1956

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Identification of Prisoners (Application to Hyderabad) Act, 1956(Act No. 27 of 1956)Last Updated 14th January, 2020The Identification of Prisoners (Application to Hyderabad) Act, 1956 received the assent of the Rajpramukh on 01.09.1956. The said Act in force in the combined State, as on 02.06.2014, has been adapted to the State of Telangana, under section 101 of the Andhra Pradesh Reorganisation Act, 2014 (Central Act 6 of 2014) vide. the Telangana Adaptation of Laws (No.2) Order, 2016, issued in G.O.Ms.No.46, Law (F) Department, dated.01.06.2016.

1. Short title, extent and commencement.

(1)This Act may be called the Identification of Prisoners (Application to Hyderabad) Act, 1956.(2)It extends to the whole of the State of [Telangana] [Substituted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.].(3)It shall come into force on the date of its publication in the Official Gazette.

2. Application of Central Act 33 of 1920 to Hyderabad.

- The Identification of Prisoners Act, 1920 (Central Act 33 of 1920), hereinafter referred to as the said Central Act, shall, with effect from the date of publication of this Act in the Official Gazette, extend to and be in force in the area to which this Act extends subject to the modification mentioned in the Schedule and shall, accordingly be in force in the said area with effect from the said date in the form specified in the Annexure to the Schedule.

3. Repeal of Hyderabad Act VII of 1309 Fasli.

- The Hyderabad Impressions Evidence Act, 1309 Fasli (VII of 1309 Fasli) is hereby repealed:Provided that, the repeal shall not affect the previous operation of the repealed Act or

anything duly done or suffered thereunder: Provided further that subject to the preceding proviso, anything done or any action taken under the repealed Act, shall be deemed to have been done or taken under the corresponding provision of the said Central Act and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under the said Central Act.

Schedule

The Identification of Prisoners Act, 1920 (Central Act 33 of 1920). For sub-section (2) of section 1, the following sub-section shall be substituted, namely: - "(2) It extends to the whole of the Telangana Area of the State of Andhra Pradesh." Annexure The Identification of Prisoners Act, 1920 (Central 33 of 1920) as modified by the aforesaid Schedule. An Act to authorise the taking of measurements and photographs of convicts and others. Whereas it is expedient to authorise the taking of measurements and photographs of convicts and others; It is hereby enacted as follows: -

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

(2) It extends to the whole of the Telangana Area of the State of Andhra Pradesh.

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

(a) "measurement" includes finger impressions and footprint 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] [Please see now the provisions under the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).], or any other police officer not below the rank of Sub-Inspector; and (c) "prescribed" means prescribed by rules made under this Act.

3. Taking of measurements, etc. of convicted person. - 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] [Please see now the provisions under the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).], shall, if so required, allow his measurements and photograph to be taken by a police officer in the prescribed manner.

4. Taking of measurements, 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.

5. Power of Magistrate to order a person to be measured or photographed. - If a Magistrate is satisfied that, for the purposes of any investigation or proceeding under [the Code of Criminal Procedure, 1898] [Please see now the provisions under the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).], 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.

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.

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.

8. Power to make rules. - (1) The State Government may 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; (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.

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.