

The Identification of Prisoners (Maharashtra Provision for Uniform Application and Amendment) Act, 1970

MAHARASHTRA

India

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Act 35 of 1970

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The Identification of Prisoners (Maharashtra Provision for Uniform Application and Amendment) Act, 1970 (Maharashtra Act No. 35 of 1970) Statement of Objects and Reasons. - Under section 1 (2) of the Identification of Prisoners Act, 1920, the Act extended to whole of India, except the territories which, immediately before the 1st November, 1956, were comprised in Part-B States. Thus, the Central Act was in force in the Bombay area and in the Vidarbha region of the State of Maharashtra. So far as the Hyderabad area of the State was concerned the Central Act was extended to it from 4th September, 1956 by virtue of the Identification of Prisoners (application to Hyderabad) Act, 1956 (Hyderabad XXVII of 1956). The Identification of Prisoners Act, 1920, in its application to the Bombay area, had been amended from time to time to provide inter alia for the taking of measurements and photographs of persons coming within the ambit of certain local Acts, like the Bombay Prohibition Act, 1949, the Bombay Police Act, 1951, the Bombay Prevention of Begging Act, 1959 and the Bombay Habitual Offenders Act, 1959. However, in its application to the Vidarbha region the Identification of Prisoners Act, 1920, had not been amended by any local Act. So far as the Hyderabad area was concerned, the Act was amended once and the only amendment was that a new extent clause was substituted to provide that it shall extend to the State of Hyderabad. It was therefore considered necessary to have uniformity in the provisions of the said Act, in its application to the whole State of Maharashtra. It had also since been found necessary to provide for taking measurements and photographs to cover inter alia the cases of persons coming within the ambit of the Indian Passport (Entry in India) Act, 1920, the Dangerous Drugs Act, 1930, the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954, and the Suppression of Immoral Traffic in Women and Girls Act, 1956 and some more provisions of the Code of Criminal Procedure, the Bombay Prohibition Act, the Bombay Police Act, etc. Hence the Act. [Dated 24th November, 1970] For Statements of Objects and Reasons, see Maharashtra Government Gazette, 1970, Part V, Extraordinary, p. 44. An Act to provide for uniformity in the provisions of the Identification of

Prisoners Act, 1920, in its application to the State of Maharashtra and further to amend that Act in its application to the whole State. Whereas, it is expedient to provide for uniformity in the provisions of the identification of prisoners act, 1920, in its application to the state of Maharashtra, and for that purpose to extend to the rest of the state certain enactments which amend the said act in its application to a part of the state; And Whereas, it is also expedient further to amend, for the purposes hereinafter appearing, the said Act in its application to the whole State; It is hereby enacted in the Twenty-first Year of the Republic of India as follows

1. Short title and commencement.

(1) This Act may be called the Identification of Prisoners (Maharashtra Provision for Uniform Application and Amendment) Act, 1970. (2) It shall come into force on such [date] [First day of March, 1971 (vide G. N., H. D., No. IPA. 1057/14110-V, dated 1st February, 1971).] as the State Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 1 of Act XXXIII of 1920.

- In section 1 of the Identification of Prisoners Act, 1920, as in force in the Bombay area and the Vidarbha region of the State of Maharashtra, in sub-section (2), after the words and letter "in Part-B States" the words, "other than the Hyderabad area of the State of Maharashtra" shall be deemed to have been added on the 4th September, 1956.

3. Extension of certain enactments amending Act XXXIII of 1920 to whole State.

- For the purpose of providing for the uniform application of the Identification of Prisoners Act, 1920, throughout the State of Maharashtra, the provisions of the Acts mentioned in the Schedule, which amend the Identification of Prisoners Act, 1920, in its application to Greater Bombay or the Bombay area of the State are hereby extended to, and shall by virtue of such extension be in force throughout the State.

4. Amendment of section 3 of Act XXXIII of 1920.

- For section 3 of the Identification of Prisoners Act, 1920, in its application to the State of Maharashtra (hereinafter referred to as "the principal Act"), the following section shall be substituted, namely :- "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 punishable under section 19 of the Dangerous Drugs Act, 1930, 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, or under section 93 of the Bombay Prohibition Act, 1949, or to give security for abstaining from commission of certain offences under section 18 of the Dangerous Drugs Act, 1930, shall, if so required, allow his measurements and photograph to be taken by a police officer in the

prescribed manner.

5. Amendment of section 4 of Act XXXIII of 1920.

- For section 4 of the principal Act, the following section shall be substituted, namely :-"4.Taking measurements etc., of non-convicted persons. - Any person -(a)who has been arrested -(i)in connection with an offence punishable under section 19 of the Dangerous Drugs Act, 1930; or section 66, 69 or 85 of the Bombay Prohibition Act, 1949; or section 122 of the Bombay Police Act, 1951; or section 7 of the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954; or section 8 of the Suppression of Immoral Traffic in Women and Girls Act, 1956; or section 6 or 11 of the Bombay Prevention of Begging Act, 1959; or any other offence punishable with rigorous imprisonment for a term of one year or upwards, or(ii)under section 54, 55 or 151 of the Code of Criminal Procedure, 1898, or section 4 of the Passport (Entry into India) Act, 1920; or(b)in respect of whom a direction or order under section 5 of the Passport (Entry into India) Act, 1920, or under section 55, 56 or 57 of the Bombay Police Act, 1951, has been made, or(c)to whom a pardon has been tendered under section 337 or 338 or who has been acquitted under section 339A of the Code of Criminal Procedure, 1898, shall, if so required by a police officer, allow his measurements or photograph to be taken in the prescribed manner."

6. Amendment of section 4-A of Act XXXIII of 1920.

- In section 4-A of the principal Act, for the words and figures "the Bombay Habitual Offenders Restriction Act, 1947," the words and figures "the Bombay Habitual Offenders Act, 1959," shall be substituted.

7. Repeal of Hyderabad XXVII of 1956.

- The Identification of Prisoners (Application to Hyderabad) Act, 1956, in its application to the Hyderabad area of the State of Maharashtra, shall stand repealed.

Schedule

(See section 3)

Sr. No.1	Names of Acts2	Provisions extended3
1.	The Identification of Prisoners (Bombay Amendment) Act, 1922(Bombay XI of 1922).	The whole Act, except sections 1(2), 2 and 3(a).
2.	The Identification of Prisoners (Bombay Amendment) Act, 1953(Bombay LVIII of 1953).	The whole Act, except section 2.
3.	The Bombay Separation of Judicial and	In the Schedule, in Part II, the entry relating to

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| | Executive Functions(Supplementary) Act, 1954 (Bombay VIII of 1954). | theIdentification of Prisoners Act, 1920. |
| 4. | The Bombay Repealing and Amending Act, 1954 (Bombay XXI of 1954.) | In the Second Schedule, in the entry relating toIdentification of Prisoners Act, 1920, the amendment to section7 of that Act. |
| 5. | The Bombay State Commissioners of Police Act, 1959 (BombayLVI of 1959). | In the Schedule, the entry relating to the Identification ofPrisoners Act, 1920. |