



THE IDENTIFICATION OF PRISONERS ACT, 1920



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PREAMBLE.

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THE IDENTIFICATION OF PRISONERS ACT, 1920

¹ACT No. XXXIII OF 1920

[9th September, 1920]

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 For Statement of Objects and Reasons, see *Gazette of India, 1920, Pt. V, p. 162*; and for Proceedings in Council, see *ibid.*, 1920, Pt. VI, pp. 1037 and 1143.
This Act has been amended in its application to the Province of Sind by Bombay Acts 11 of 1922, 4 of 1935 and 21 of 1935.
It has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.W.F.P., and extended to the Excluded Area of Upper Tanawal (N.W.F.P) other than Phulera with effect from such date and subject to such modifications as may be notified see N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950.

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

¹[(2) It extends to the whole of Pakistan.]

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 (V of 1898),² 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 persons. Every person who has been—

- (a) convicted of any offence punishable³ 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 behavior under section 118 of the Code of Criminal Procedure, 1898 (V of 1898), shall, if so required, allow his measurements and photograph to be taken by a police officer in the prescribed manner.

⁴**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.

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, 1898⁵ (V 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 :

¹Subs. by the Central Laws (Statue Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for the original sub-section (2), as amended by A.O., 1949, and the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 8.

²In the application of the Act to the Province of Sind, certain words have been ins. here by the Identification of Prisoners (Bombay Amdt.) Act, 1922 (Bom. 11 of 1922), s. 3.

³In the application of the Act to the Province of Sind, certain words have been ins. here by the Identification of Prisoners (Bombay Second Amdt.) Act, 1935 (Bom. 21 of 1935), s. 2.

⁴In the application of the Act to the Province of Sind, a different section has been subs. for this section by the Identification of Prisoners (Bombay Amdt.) Act, 1935 (Bom. 4 of 1935), s. 2, and further amended by Bom. Act 21 of 1935, s. 3.

⁵In the application of the Act to the Province of Sind, certain words have been ins. here by the Identification of Prisoners (Bombay Amdt.) Act, 1922 (Bom. 11 of 1922), s. 3.

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 Pakistan Penal Code (XLV of 1860).

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 ¹for reasons to be recorded in writing otherwise directs, be destroyed or made over to him.

8. Power to make rules.-(1) The ²[Provincial 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 provisions, 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.

¹In the application of the Act to Bombay, certain words have been ins. here by the Identification of Prisoners (Bombay Amdt.) Act, 1922 (Bom. 1 of 1922), s. 4.

²Subs. by A.O., 1937, for "L.G.".

