

Rajasthan Identification Of Prisoners Act, 1956

12 of 1956

[02 May 1956]

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PREAMBLE

An Act to consolidate and amend the law authorising the taking of measurements and photographs.

Be it enacted by the Rajasthan State Legislature in the Seventh Year of the Republic of India as follows : -

1. Short title cum extent and Commencement :-

(1) This Act may be called the Rajasthan Identification of Prisoners Act, 1956.

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

This Act now extends to the whole of the State of Rajasthan including Abu, Ajmer and Sunel areas with effect from 1.9.1957 i.e. the date of enforcement of the Rajasthan Act No. 27 of 1957.

In this connection see also Rajasthan Act No. 40 of 1957, published in Rajasthan Gazette, Part IV-A, Extraordinary dated 13.8.1957.

(3) It shall come into force at once.

1. Substituted by Raj. Act 27 of 1957.

2. Definitions :-

In this Act, unless the subject or context otherwise requires: -

(a) "Measurements" includes finger impressions & foot-print impressions, and

(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 (Central Act V of 1898) or any other police officer not below the rank of a ¹[Head Constable.]

1. Substituted by Raj. Act 23 of 1978

3. Taking of measurements and photographs :-

Every person who has been: -

(a) Convicted of an offence punishable with rigorous imprisonment for a term of a 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 (Central Act V of 1898), or

(c) arrested under Section 55 of the said Code, or

(d) 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 or otherwise, allow his measurements and photographs to be taken in the prescribed manner.

4. Power to Magistrate to order a person to be measured or photographed :-

If a Magistrate is satisfied that for the purpose of an investigation or proceeding under the Code of Criminal Procedure, 1898 (Central Act V of 1898), it is expedient to direct any person to allow his measurements or photographs to be taken, he may make an order 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 its measurements or photographs 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 one time been arrested in connection with such investigation or proceeding.

5. Resistance to the taking of measurements etc :-

(1) If any person who under this Act is required to allow his measurements or photographs 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 (Central Act XLV of 1860).

6. 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 Magistrate for reasons to be recorded in writing otherwise directs be destroyed or made over to him.

7. 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 provisions, such Rules may provide for: -

(a) Restrictions on the taking of photographs of persons under Section 4;

(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.

8. Bar of Suits :-

No suit or other proceedings 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.

9. Section 9 :-

¹[xxxx xxxx xxxx xxxx]

1. Omitted by Raj. Act 27 of 1957