

THE IDENTIFICATION OF PRISONERS ACT.

[INDIA ACT XXXIII, 1920.] (9th September, 1920.)

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

Definitions,

- (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, or any other police officer not below the rank of sub-inspector ;
- (c) "prescribed" means prescribed by rules made under this Act ; and
- (d) "specimen" of a person's handwriting means such words or figures or both, written by that person, as may be sufficient for the comparison of that person's handwriting with another.

3. 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

Taking of measurements, etc., of convicted persons.

(b) ordered to give security for his good behaviour under section 118 of the Code of Criminal Procedure, or

(c) ordered to remove himself or cause to be removed from the Union of Burma under section 3 or 17 of the Foreigners Act,

shall, if so required, allow his measurements and photograph to be taken by a police officer in the prescribed manner.

Taking of measurements, etc., of non-convicted persons.

4. 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.

Taking of specimen of handwriting.

4A. Any person who has been arrested in connection with an offence punishable with imprisonment for a term of six months or upwards shall, if so required by a police officer, furnish a specimen of his handwriting or signature in the prescribed manner:

Provided that if the person refuses to comply with such requisition he shall be taken before a Magistrate of the first class for an order determining whether, in the circumstances of the case, the requisition is reasonable; and if the Magistrate determines that the requisition is not reasonable, no further action shall be taken.

Power of Magistrate to order a person to be measured or photographed.

5. If a Magistrate is satisfied that, for the purposes of any investigation or proceeding under the Code of Criminal Procedure, it is expedient to direct any person to allow his measurements or photograph to be taken or to furnish a specimen of his handwriting or signature, 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 comply with the order:

Provided that no order shall be made directing any person to be photographed or to furnish a specimen of his handwriting or signature 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.

Resistance to the taking of measurements, etc.

6. (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 or to furnish a specimen of his handwriting or signature under this Act shall be deemed to be an offence under section 186 of the Penal Code.

Destruction of photographs and records of measurements, etc., on acquittal.

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

Power to make rules.

8. (1) The President of the Union 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 exercise of powers under this Act ;
- (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 ;
- (f) the preservation, safe custody, destruction and disposal, of records of measurements and photographs ; and
- (g) the manner in which specimens of handwriting or signatures shall be furnished.

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