

Rajasthan Identification of Prisoners Act, 1956

(Act No. 12 of 1956)

(As authorised by the Rajpramukh in pursuance of clause (3) of Article 348 of the Constitution of India.)

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 extent and commencement.** - (1) This Act may be called the Rajasthan Identification of Prisoners Act, 1956.
²[(2) It extends to whole of the State of Rajasthan.]
(3) It shall come into force at once.
- 2. Definitions.** - In this Act, unless the subject or context otherwise requires:-
 - (a) '*Measurements*' includes finger impressions and 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, 1973]³ (Central Act 2 of 1974) or any other police officer not below the rank of a Head Constable.
- 3. Taking of measurements and photographs.** - Every person who has been:-
 - (a) Convicted of on 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

¹Received the assent of Highness the Rajpramukh on dated 2-5-1956 (Published in Rajasthan Gazette (Rajpatra) Extraordinary Part 4 A dated 4-5-1956).

²This Act now extend to the whole of the State of Raj. including Abu, Ajmer & Sunel area (w.e.f. 1.9.1957) the date of inforcement of the Raj. Act No. 27 of 1957 (Subs. by 27 of 1957)(Pub.inRaj.Gaz.,Ex.-ord,Pt.IV-A dated 13.8.1957)

³Subs. by the Act No. 23 of 1978, Sec. 2 (Pub.inRaj.Gaz.,Ex.-ord,Pt.IV-A at page 1, dated 30.12.1978)

b) ordered to give security for his good behaviour under section 117 of the Code of Criminal Procedure, 1973]¹ (Central Act 2 of 1974), 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, 1973 (Central Act 2 of 1974), it is expedient to direct any person to allow his measurements or photographs 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 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 some time been arrested in connection with such investigation or proceeding.

5. Resistance to the taking of measurements etc. - (a) 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 45 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 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.
9. ¹[---]

¹Deleted by notification date 13.1.1957