

**THE IDENTIFICATION OF PRISONERS (APPLICATION TO  
HYDERABAD) ACT, 1956.**

**(ACT NO. XXVII OF 1956.)**

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# THE IDENTIFICATION OF PRISONERS (APPLICATION TO HYDERABAD) ACT, 1956.<sup>1</sup>

## ACT NO. XXVII OF 1956.

1. (1) This Act may be called the Identification of Prisoners (Application to Hyderabad) Act, 1956.

Short title, extent and commencement.

(2) It extends to the whole of the State of <sup>2</sup>Telangana.

(3) It shall come into force on the date of its publication in the Official Gazette.

2. The Identification of Prisoners Act, 1920 (Central Act 33 of 1920), hereinafter referred to as the said Central Act, shall, with effect from the date of publication of this Act in the Official Gazette, extend to and be in force in the area to which this Act extends subject to the modification mentioned in the Schedule and shall, accordingly be in force in the said area with effect from the said date in the form specified in the Annexure to the Schedule.

Application of Central Act 33 of 1920 to Hyderabad.

3. The Hyderabad Impressions Evidence Act, 1309 Fasli (VII of 1309 Fasli) is hereby repealed:

Repeal of Hyderabad Act VII of 1309 Fasli.

Provided that, the repeal shall not affect the previous operation of the repealed Act or anything duly done or suffered thereunder:

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1. The Identification of Prisoners (Application to Hyderabad) Act, 1956 received the assent of the Rajpramukh on 01.09.1956. The said Act in force in the combined State, as on 02.06.2014, has been adapted to the State of Telangana, under section 101 of the Andhra Pradesh Reorganisation Act, 2014 (Central Act 6 of 2014) vide. the Telangana Adaptation of Laws (No.2) Order, 2016, issued in G.O.Ms.No.46, Law (F) Department, dated.01.06.2016.

2. Substituted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.

Provided further that subject to the preceding proviso, anything done or any action taken under the repealed Act, shall be deemed to have been done or taken under the corresponding provision of the said Central Act and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under the said Central Act.

## SCHEDULE.

The Identification of Prisoners Act, 1920 (Central Act 33 of 1920).

For sub-section (2) of section 1, the following sub-section shall be substituted, namely:-

“(2) It extends to the whole of the Telangana Area of the State of Andhra Pradesh.”

## ANNEXURE.

The Identification of Prisoners Act, 1920 (Central 33 of 1920) as modified by the aforesaid Schedule.

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:-

Short title and extent.

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

(2) It extends to the whole of the Telangana Area of the State of Andhra Pradesh.

Definitions.

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

(a) **"measurement"** includes 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 <sup>3</sup>the Code of Criminal Procedure, 1898 (5 of 1898), or any other police officer not below the rank of Sub-Inspector; and

(c) **"prescribed"** means prescribed by rules made under this Act.

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3. See now Chapter XII of the Code of Criminal Procedure, 1973 (2 of 1974).

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

(b) ordered to give security for his good behaviour under section 118 of <sup>4</sup>the Code of Criminal Procedure, 1898 (5 of 1898),

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 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 measurements, of non-convicted persons.**

5. If a Magistrate is satisfied that, for the purposes of any investigation or proceeding under <sup>5</sup>the Code of Criminal Procedure, 1898 (5 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:

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

Provided that no order shall be made directing any person to be photographed except by a Magistrate of the first class:

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4. See now section 117 of the Code of Criminal Procedure, 1973 (2 of 1974).

5. See now the Code of Criminal Procedure, 1973 (2 of 1974).

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 under this Act shall be deemed to be an offence under section 186 of the Indian Penal Code, 1860 (45 of 1860).

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 Sub-Divisional Officer for reasons to be recorded in writing otherwise directs, be destroyed or made over to him.

Power to make rules.

8. (1) The State Government may, <sup>6</sup>[by notification in the Official Gazette] 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 provision, such rules may provide for-

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6. Inserted by Act 4 of 1986, section 2 and the Schedule (w.e.f.15.5.1986).

(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.

<sup>7</sup>[(3) Every rule made under this section shall be laid, as soon as may be after it is made, before State Legislature.]

9. 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. **Bar of suits.**

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7. Inserted by Act 4 of 1986, section 2 and the Schedule (w.e.f.15.5.1986).