

The Prevention of Immoral Traffic (Orissa) Rules, 1959

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Rule

THE-PREVENTION-OF-IMMORAL-TRAFFIC-ORISSA-RULES-1959 of 1959

- Published on 5 March 1959
- Commenced on 5 March 1959
- [This is the version of this document from 5 March 1959.]
- [Note: The original publication document is not available and this content could not be verified.]

The Prevention of Immoral Traffic (Orissa) Rules, 1959Published vide Notification No. 4532-P, dated 5th March 1959Notification No. 4532-P, dated the 5th March 1959. - In exercise of the powers conferred by Section 23 of [the Immoral Traffic (Prevention)] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.] Act, 1956 (104 of 1956), the State Government do hereby make the following rules, namely:

1. Short title and commencement.

(1)These rules may be called the [Prevention of Immoral Traffic] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.] (Orissa) Rules, 1959.(2)They shall come into force at once.

2. Definitions.

- In these rules, unless the context otherwise requires-(a)"Act" means [the Immoral Traffic (Prevention)] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.] Act, 1956;(b)"Board" means the Board of Visitors appointed by the State Government under Rule 14;(c)"Chief Inspector" means the person appointed as such by the State Government to discharge the functions of the Chief Inspector under these rules;(d)"Licence" means a licence granted under Section 21;(e)"Form" means a form appended to these rules;(f)"Section" means a section of the Act; and(g)"Superintendent" means the principal officer in charge of a protective home and includes any person specially appointed to discharge the functions of a Superintendent under these rules.

3. Manner of notifying public places.

- A copy of every order of the Superintendent of Police or the District Magistrate notifying a place to be a public place under Section 7(1) shall be affixed to a conspicuous part of the public Court house of the District Magistrate, as the case may be.

4. Placing of [child or minors] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.] in safe custody.

(1)Where a responsible and trust-worthy person belonging to the same religious persuasion as that of a [child or minor] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.] produced before a Magistrate under Sub-Section (1) of Section 17 is willing to take charge of the [child or minor] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.] and the Magistrate, acting under Sub-section (1) or Sub-section (2) of that Section, passes an order placing the [child or minor] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.] in the safe custody of that person, such person shall execute before the Magistrate an undertaking in Form I.(2)If the person in whose custody the [child or minor] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.] is placed is no longer willing to fulfil the conditions of the undertaking, he may apply to the Magistrate for releasing him from the obligation to keep the [child or minor] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.] in his custody.

5. Detention of woman or [child or minor] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.] in protective home.

- Where, in pursuance of [* * *] [Omitted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.] Sub-section (2) of Section 17, or Sub-section (2) of Section 19 a Magistrate passes an order directing that a woman or [child or minor] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.] be detained in a protective home, a warrant of detention in Form II shall be prepared in duplicate and shall be forwarded to the Superintendent of the protective home who shall retain one copy and return the other to the Magistrate after making an endorsement therein that the woman or [child or minor] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.] referred to in the warrant has been duly taken in his charge.

6. Notification of residence etc., by convicted offenders.

(1)A convicted offender who has been ordered by the Court under Section 11 to notify his residence or any change of, or absence from, such residence shall immediately after his release, report himself to the police officer having jurisdiction over his place of residence and shall also leave his correct address with such police officer. Thereafter, he shall report himself to such police officer once in every month till the expiry of the period for which he is required to notify his residence.(2)When any such offender intends to change his place of residence, he shall intimate his intention to the police officer having jurisdiction over his place of residence and also furnish to him the correct address of the intended place of residence. In every such case, the police officer shall send to the police officer

having jurisdiction over the new place of residence a report of the intended change of residence together with full particulars of the convicted offender.(3)As soon as the offender takes up his residence in the new place, he shall report himself to the police officer having jurisdiction over the place and shall also report himself to such officer once in every month till the expiry of the period for which he is required to notify his residence.(4)If, for any reason, the offender does not change his place of residence as originally intended he shall report the fact to the police officer having jurisdiction together with the reason for such change of intention.(5)The provisions of Sub-rules (2), (3) and (4) shall apply to temporary absence from the place of residence for any period exceeding seven days:Provided that, in the case of temporary absence the convicted offender shall again report to the police officer as soon as he returns to the usual place of residence.(6)Any person who commits breach of any of Sub-rules (1) to (5) shall be punishable with fine which may extend to two hundred and fifty rupees.Explanation. - In this rule, 'Police officer' means the officer in charge of a police station.

7. Licensing of protective homes.

(1)Application for a licence under Section 21(3) shall be made in Form III to the State Government.(2)On receipt of an application for a licence, the State Government shall cause full and complete investigation to be made through an officer or authority appointed in this behalf before issuing the licence. The said officer or authority before reporting on the application to the State Government shall record the statements of the applicant or applicants and the special Police Officer appointed for the area. In addition, he may make enquiries from such social welfare workers or respectable persons of the locality as he may deem necessary. The State Government, if satisfied, that the applicant or applicants is or are fit person or persons to whom a licence may be granted, may grant a licence in Form IV, which if granted will remain in force for a period of one year.(3)An application for the renewal of a licence shall be made in Form V at least thirty days before the date of its expiration. The licence may thereupon be renewed for a like period.(4)No licence issued or renewed under this rule shall be transferable.(5)The management of every licensed home shall, wherever practicable, be entrusted to women.(6)The licensee shall comply with all the conditions of the licence and the provisions of [Prevention of Immoral Traffic] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.] (Orissa) Rules, 1959 and shall maintain all registers and accounts in the manner hereinafter laid and shall submit all statements and returns as prescribed in the rules.

8. Admission into protective homes.

(1)On the admission of a woman or a [child or minor] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.] into a protective home under the provisions of the Act, she shall be examined by the Superintendent, who shall record in the Inmate's Register in Form VI the particulars required to be shown in that register.(2)The woman or [child or minor] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.] into a protective home shall then be supplied with a new set of cloth and the clothes worn by her at the time of admission shall be destroyed, if they are in rags or in filthy and verminous condition. The clothing of every woman and [child or minor] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.] to be detained for a period of two years or more shall, if they are not liable to be destroyed, be sold and the proceeds credited to the

personal account of the woman or [child or minor] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.]. In all other cases, the clothing of a woman or [child or minor] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.] shall be returned to the parents, guardians or relatives of the woman or [child or minor] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.] and if it is not possible to do so, shall be washed, tied up in a bundle and stored and returned to the woman or [child or minor] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.] on her discharge. She shall be given a bath, which shall be of a disinfecting nature.(3)The Superintendent or some other official of the protective home considered suitable by such Superintendent, shall then take the woman or [child or minor] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.] to the nearest hospital for examination. If there is no hospital within a reasonable distance the medical examination of the woman or [child or minor] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.] shall be conducted by the nearest qualified lady doctor. [If the inmate is a male, he shall be examined by male Doctor.] [Added vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.](4)Women or [children or minors] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.] found to be suffering from any venereal disease shall be kept as far as possible separate from the other inmates of the protective home. Women or [childs or minors] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.] suffering from minor ailments shall be treated by the Medical Officer of the protective home. If any woman or [children or minor] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.] is suffering from serious illness she shall be taken to the nearest hospital immediately for admission and report shall immediately be sent to the Superintendent of Police of the district and to the nearest Magistrate in other cases. A copy of the report shall be simultaneously sent to the Chief Inspector.

9. Admission of children accompanying inmates into protective homes.

(1)A child below seven years of age in the care of its mother who is detained or ordered to be kept in the protective home may also be admitted to home along with her, if it cannot be placed with its relatives or otherwise properly provided for. If any question arises as to whether a child is below seven years of age or not, such question shall be determined by the Superintendent.(2)A child born in the home after the admission of the inmate into the protective home may remain with her.(3)No child shall be kept in the protective home if it has completed the age of seven years. On a child completing such age, the superintendent shall intimate the fact to the Chief Inspector with a view to his making arrangements, if possible, to place the child with its relatives.(4)A child kept in the protective home shall be allowed such diet and clothing as the medical officer attached to the protective home may think fit.

10. History Ticket.

- A record hereinafter referred to as history ticket shall be maintained in respect of each inmate in Form VII.

11. Medical examination.

- Every inmate shall be medically examined and weighed once in every month and the result of such examination and weighment shall be recorded in the history ticket of the inmate. A statement in Form VII shall be submitted before the 10th of every month to the Chief Inspector showing the weighment statistics of the protective home.

12. Strength of establishment of protective homes.

- The strength of the establishment including medical officer of each protective home, whether established or licensed by the State Government shall be determined by the State Government from time to time in consultation with the Chief Inspector. The State Government, in consultation with the Chief Inspector, may also assign duties to them. Necessary arrangements for medical aid of the inmates shall be made by the State Government in consultation with the Chief Inspector.

13. Superintendent.

- The Superintendent shall generally be responsible for the observance of all Rules and Orders, the supervision of the subordinate staff and the maintenance of discipline among the inmates. He/She shall in his/her own hand writing, maintain an office journal in which shall be recorded daily, every occurrence of importance connected with the management of the homes, which is not otherwise disposed of in the registers of correspondence and which it is desirable to note for future guidance. The journal shall be forwarded to the Chief Inspector at the end of the month, who shall immediately return it after perusal with such remarks as he/she may consider necessary.

14. Duties of Superintendent.

- The following duties, in addition to other duties assigned by the State Government, from time to time, appertain to the Superintendent: (i) The Superintendent shall be in charge of general supervision and sanitation of the home and the health of inmates; (ii) the Superintendent shall be responsible for the discipline of the subordinate staff; (iii) the Superintendent shall be in charge of maintaining general accounts disbursing bills, cost of jewellery, cash and other belongings of the inmates; (iv) the Superintendent shall be in charge of office correspondence, interviews with visitors and showing them round the home; (v) the Superintendent shall arrange meetings of the Board of Visitors and submit immediately the reports of the meetings to Chief Inspector; (vi) the Superintendent shall make surprise inspection of provision stores at least once a month, shall visit the home at uncertain hours and check that everything is in order; (vii) the Superintendent shall be responsible for submitting statements and returns under these rules in addition to such statements and returns as may be prescribed by the State Government in consultation with Chief Inspector from time to time; (viii) the Superintendent may grant casual leave to the subordinate staff; (ix) the Superintendent shall visit the home at least twice a month at uncertain intervals; (x) the Superintendent shall be responsible for the purchase of provisions and by informing himself/herself of the current bazar rates shall satisfy himself/herself that the full amount of food is purchased and

the rates are reasonable. He/She shall also see the rations weight and served out the cooks, and shall, with medical officer, inspect the food daily, when it is cooked and ready for distribution, to make sure that it is properly cooked and that the full quantity reaches the inmates. The result of the Superintendent's inspection of food shall be noted in the office journal;(xi)the Superintendent shall be responsible for all property of the protective home and all money and stores received.

15. Weekly Inspector's Inspections.

(1)On one morning in every week, which shall usually be Monday, the Superintendent shall hold an inspection parade of all the inmates at which the Medical Officer shall also be present. At each such parade, the Superintendent shall satisfy himself/herself -(a)that every inmate is provided with proper clothing and bedding;(b)that they are clean and tidy; and(c)that the rules and orders applicable to inmates are being duly carried out.(2)The Superintendent shall, at every such parade, hear and enquire into any complaints and request that the inmates may wish to make. It shall be his/her duty to hear the complaints and requests patiently and to afford them reasonable facilities from making such complaints and requests;(3)Nothing in this rule shall debar any inmate from making a complaint or request to the Superintendent at other times than at the weekly parade, and it shall be the duty of every member of the staff to produce before the Superintendent without delay any inmate desiring to see him/her.

16. Documents to be kept in the personal custody of the Superintendent.

- The following documents shall be kept in the personal custody oi the Superintendent:(a)Contract agreement bonds;(b)Contractors' and subordinates' security deposit receipts or Post Office Savings Bank Account Books and Post Office cash certificate;(c)Personal files, Service Books and Character rolls of the staff.

17. Previous sanction required to leave station by Superintendent.

- Without the written sanction of the Chief Inspector the Superintendent shall, on no account, absent himself/herself from the station.

18. Office order book.

- The Superintendent shall maintain an order book for the protective home in which he/she shall record all standing orders issued to his/her subordinates from time to time. He/She shall by an order allot the various duties to his/her subordinates and may, by a subsequent order, vary such allotments.

19. Duties of the Medical Officer of protective homes.

(1)In addition to such other duties as may be assigned to the Medical Officer of a protective home that the State Government from time to time in consultation with the Chief Inspector, the Medical

officer shall visit the protective home every day except on Sundays and other holidays; on Sundays and holidays also, when necessary. He/She shall attend to the health and cleanliness of the inmates, the treatment of the sick, the sanitation of the protective home, general inspection and supervision of food and all other matters connected directly or indirectly with the health of the staff and inmates of the home.(2)On each visit to the protective home, the Medical Officer shall enter his/her remarks in the register in Form IX.(3)The Medical Officer shall accompany the Chief Inspector during his/her inspection of the protective homes.(4)During the absence of the Superintendent on short leave (other than casual leave) or during a vacancy in the post of the Superintendent for a short period, the Medical Officer, with the previous approval of the Chief Inspector may act as the Superintendent, in addition to his/her own duties.

20. Educational and vocational training of the inmates of protective homes.

(1)Provision may be made for general education in all protective homes. Besides general education, each protective home shall, as far as possible, provide for the vocational training of the inmates, the wishes of each inmate being consulted, as far as possible, as to the particular training she shall undergo. Suitable employment, which shall include house work, sewing, weaving, spinning and the like may be provided. All courses of training shall be approved by the Chief Inspector.(2)Teachers shall be engaged for imparting general education and instructors appointed for giving vocational training to the inmates. In an emergency, the Superintendent may direct such teachers and instructors to attend to executive or administrative duties.

21. Daily routine of protective homes.

- The following daily routine shall be observed in the protective homes :

5.30 a.m. to 6.30 a.m. in warm months and 6.30 a.m. to 7.30a.m. in colder months	Visit to the latrines, ablutions, bath ... and toilet.
7.30 a.m. to 7.45 a.m.	... Morning prayers
7.45 a.m. to 8.15 a.m.	... Breakfast
8.15 a.m. to 9.30 a.m.	... Washing personal clothes
10 a.m. to 1. p.m.	... School or workshop
1. p.m. to 2. p.m.	... Lunch and rest
2 p.m. to 4.30 p.m.	Needlework and handicraft or ... workshops
4.30 p.m. to 6.30 p.m.	... Games, gardening and bath
6.30 p.m. to 6.45 p.m.	... Evening prayer
6.45 p.m. to 7.30 p.m.	... Night meal
7.30 p.m. to 9.30 p.m.	... Study or reading

Note. - Daily routine may be suitably modified on Sunday and other gazetted holidays. Saturday shall be observed as half holidays.

22. Diet of inmates in protective homes.

- All inmates of protective homes shall have diet in accordance with scale to be fixed by the State Government and instruction issued by them in this behalf.

23. Supply of clothing, etc. to inmates of protective homes.

(1) Each inmate shall be supplied with a steel box, an unbreakable plate, tumbler and mirror. (2) Clothing and bedding to inmates shall be supplied in accordance with the scale to be fixed by the State Government. (3) Every inmate shall be given for the purpose of washing clothes half a bar of washing soap per month and for bathing purposes half a cake of toilet soap per month and 3.4 oz. of soap nut powder per week. Every inmate shall also be provided with four grams of oil daily for dressing of hair and half an ounce of oil once a week for oil bath. A sufficient number of mirrors shall be placed in each dormitory.

24. Living space for inmates of protective homes.

- Every inmate shall have a separate bed with a flat space of not less than 8' x 5' per bed. A place shall be allotted for every inmate in the dormitory.

25. Religious and moral instruction.

(1) The protective homes shall not be used as a means of fostering any one religion at the expense of others and the principle of secularism shall be maintained strictly. (2) Religious and moral instructions to inmates of protective home's shall be allowed on condition that no proselytising is carried on under the cloak of such instruction and that nothing is done to make the inmates away from the religion professed by them. The instruction may be in the form of prayer, worship and occasional bhajans with music. (3) The Superintendent shall endeavour to secure the services of honorary instructors; and in their absence the senior members of the staff, preferably the teachers shall be deputed to impart religious and moral instructions to the inmates of their own faith at least once a week.

26. Libraries for protective homes.

- Every protective home shall be provided with a library of suitable books with a catalogue. The choice of books shall be made by the Superintendent and approved by the Chief Inspector, who will be responsible for the suitability of the books chosen.

27. Attendance of the inmates of protective homes before police or Magistrate.

- Any inmate whose attendance is required before the police or before a Court shall be permitted to leave the protective home for the purpose, only on receipt of a written requisition signed by the

Superintendent of Police and by a police officer not below the rank of a Deputy Superintendent of Police elsewhere or of a summons issued by the Court of a competent jurisdiction. The inmate shall in such cases be accompanied by the Superintendent or by any other member of the staff considered suitable by the Superintendent.

28. Escape and recapture of inmates of protective homes.

(1)The Superintendent shall give immediate notice of the escape or recapture of any inmate of the home to -(a)the Chief Inspector;(b)the nearest police station ; and(c)the Superintendent of Police in case the protective home is situated in his jurisdiction and District Magistrate elsewhere.(2)On receipt of a notice of escape under Sub-rule (1) the Officer-in-charge of the police station shall take necessary steps to recapture the inmate and to bring her back to the home from which she escaped.

29. Death of inmates of protective homes.

- In case of death of any of the inmates, the Superintendent shall immediately report the circumstances of the case to the Superintendent of Police of the District and to the nearest Magistrate elsewhere. Copies of the report shall also be sent to the Chief Inspector, and to the parents or guardians or relatives, as the case may be, of the inmate.

30. Transfer of inmates.

(1)The Chief Inspector may for any of the following reasons, to be recorded in writing, order the transfer of an inmate detained in a protective home to any other protective home:(a)when the transfer is for the welfare of the inmate or is in the interest of discipline;(b)when there is no accommodation in the protective home; or;(c)for any other special reasons.(2)The Superintendent shall, before effecting such transfer, satisfy himself/herself that the inmate to be transferred is in a fit state of health to undergo the transfer.(3)The inmate shall be escorted by a woman employee of the protective home considered suitable for the purpose by the Superintendent of the home. The Superintendent may, if necessary, take the assistance of the Special Police Officer of the area.(4)All the records and personal property if any, relating to the inmate transferred shall be handed over to the escort to be delivered to the Superintendent of the protective home to which the inmate is transferred.(5)The Superintendent of the home to which the inmate is transferred shall, on the arrival of the inmate and after due verification acknowledge the correct receipt of the documents and property.(6)The total period of detention or stay of an inmate ordered by the Court shall on no account be increased by any transfer under Sub-rule (1).

31. Visit to and communications with the inmates of protective home.

(1)No inmate shall be allowed to see visitors or receive letters without the express permission of the Superintendent and no male visitor shall be permitted to interview any of the inmates except in the presence of the Superintendent or any other member of the staff of the home so authorised by the Superintendent in this behalf.(2)Every inmate newly admitted to a protective home shall be allowed

reasonable facilities for seeing or communicating with her relatives, friends or legal advisors with a view to the preparation of an appeal.(3)Parents and guardians may visit inmates of a protective home on Saturdays and Sundays between 4 p.m. and 6 p.m. For very urgent reasons, visitors may be allowed on other days and at other times with the special permission of the Superintendent. The privilege of receiving visitors may be refused on the orders of the Superintendent as a punishment for misconduct by the inmate, or if it is used to introduce any prohibited article into the home or if the parents or guardian has or is likely to have, in the opinion of the Superintendent, a bad influence on an inmate or inmates or for any other sufficient cause. The Superintendent shall record his/her reasons for such refusal in the official journal.(4)Every inmate shall be allowed to write or receive a letter once a month during the period of her detention or stay in the home, subject to the condition of good conduct.(5)If the address of the parents or guardians is known, they shall be given notice of any serious illness of the inmates and the Superintendent shall answer any reasonable enquiries made by the parents or guardians.(6)Inmates shall be allowed, if they so desire to write special letter in order to inform the parents or guardians of their transfer from one protective home to another. This shall not be counted as a letter for the purpose of Sub-rule (4).(7)No letter shall be delivered to or sent by an inmate unless the Superintendent has satisfied himself/herself that its transmission is unobjectionable.(8)The Superintendent may at his/her discretion grant interviews or allow the despatch or receipt of letters at short intervals than those provided in Sub-rule (4) in spite of the inmates' misconduct, if he/she considers that special or urgent grounds exist for such concession.(9)A register shall be maintained by the Superintendent for recording the visits of parents or guardians of the inmates of the home in cases of refusal.(10)A register of correspondence between the inmates and their parents and guardians shall be maintained.

32. Permission to inmates to absent themselves for short periods from protective homes.

- With the previous sanction of the Chief Inspector in very special cases, the Superintendent may grant to any inmate leave of absence for a period not exceeding a week on the death of the parent or to visit the parent or guardian who is seriously ill. The Chief Inspector may extend the leave granted, by a period not exceeding two weeks. The leave granted at any time be cancelled without assigning any reasons and the inmate recalled.

33. Discipline and punishment.

(1)The following acts are forbidden in a protective home and every inmate who wilfully commits any of them shall be deemed to have wilfully disobeyed the regulations of the protective home.(a)quarrelling with any other inmate;(b)any assault or use of criminal force;(c)use of insulting, obscene or threatening language;(d)immoral or indecent or disorderly behaviour;(e)wilfully disabling herself for labour;(f)Contumaciously refusing to work;(g)wilful idleness and negligence at work;(h)wilful damage to the home property;(i)wilful mismanagement of work;(j)tampering with or defacing history tickets, records, documents or tools;(k)receiving, possessing or transferring any prohibited article;(l)feigning illness;(m)wilfully bringing a false accusation against any officer or inmate;(n)omitting or refusing to report, as soon as it comes to her knowledge, the occurrence of any fire, any plot of conspiracy any escape, attempt or preparation to

escape or any attack or preparation for attack upon any inmate or official of the home;(o)Conspiring to escape or to assist in escaping;(p)answering untruthfully any question put by an officer of the home or a visitor;(q)refusing to eat food or wilfully destroying food;(r)committing a nuisance in any part of the home,(2)The Superintendent may award any of the following punishments for the act or acts specified in Sub-rule (1);(a)deprivation of play hours;(b)temporary cessation of visits from parents or guardians; and(c)change to labour of severe nature for a period not exceeding three months.(3)A Punishment Book shall be maintained by the Superintendent, who shall record full particulars of the punishments inflicted by him/her together with the nature of offences, the names of the offenders and the number of various punishments awarded to them.(4)An extract from the Punishment Book shall be sent by the Superintendent to the Chief Inspector before the 10th of every month.

34. Prohibited articles.

- Liquor, intoxicating drugs including opium and ganja shall be the prohibited articles and shall not be introduced, received, possessed or transferred in the protective home.

35. Treatment of mental cases.

- When an inmate of a protective home is sent to a Government Mental Hospital for observation or treatment, action shall be taken by the Superintendent under Section 6(2) of Indian Lunacy Act, 1912 (4 of 1912) for obtaining reception orders. An inmate who is taken to the Government Mental Hospital with such reception order shall be treated as a 'Civil Patient'.

36. Removal to civil hospitals for treatment.

(1)Whenever the Medical Officer of a protective home considers it necessary to remove an inmate to a Civil Hospital for treatment as an indoor patient, he shall draw up a full statement of the case and forward the same to the Superintendent, who shall forthwith cause the inmate concerned to be sent to the hospital temporarily.(2)The inmate shall immediately proceed under escort to the Hospital and present herself to the Officer-in-charge of Hospital.(3)The inmate shall be an indoor patient in the Hospital and shall not leave it until formally discharged therefrom.(4)The authorities of the Hospital shall give intimation to the Superintendent concerned before discharging the inmate from Hospital. On receipt of intimation, the Superintendent shall arrange for an escort to fetch the inmate. The railway warrant, subsistence allowance, bus or other fare and any other allowances necessary for the inmates and the escort shall be given to the escort so arranged by the Superintendent. Such charges shall also be paid to the escort while removing the inmate from the protective home to the Hospital.(5)When an inmate is removed for treatment to a Civil Hospital, no charges shall be made against the protective home for the treatment and diet given to the inmate in the Hospital.

37. Period spent in hospital.

- When an inmate is sent to a Government Mental Hospital or as an indoor patient to a Civil Hospital, the period spent by her in such Hospitals and in going there and return therefrom shall be deemed to be part of the period of her detention or stay in the protective home.

38. Discharge of inmates of protective homes.

(1)The State Government may at any time order an inmate of a protective home to be discharged either absolutely or on such conditions as they approve. In the event of a breach of any such conditions the inmate shall be liable to be arrested and brought back to the Home.(2)The Superintendent shall at the end of each month prepare a statement of inmates who have to be discharged in the subsequent month and read out the Statement to the inmates.(3)On the day of discharge, the inmate's state of health shall be recorded by the Superintendent in the Inmates' Register. He/She shall compare the entries in the warrant of committal with those in the Register and shall satisfy himself/herself that they agree and the term of the inmate has been duly served. He/She shall then sign the endorsement for discharge on the warrant, certifying to the due expiry of the term. The belonging of the inmate shall be handed over to her and the details recorded in the appropriate column in the Inmate's Register. The inmate shall be given food for the day before she is discharged. The inmate shall if necessary be provided with suitable clothing.(4)Every discharged inmate whose destination is on or near a line of railway shall be supplied with a railway ticket of the lowest class. Payment of the fare shall be made by railway warrant where the cost of the journey exceeds Rs. 5. In other cases, payment shall be made by cash. When a journey is to be made by boat, bus or steamer, the inmate shall be provided with passage or passage money to the halting place nearest to his/her destination at the lowest rate. Every inmate who has to proceed a distance of more than 5 miles by road or more than 3 hours' journey by rail or other mode of conveyance shall on discharge be given subsistence allowance at the rate of 8 annas, if the journey will be completed on the following morning and one rupee per day otherwise.(5)The State Government may at any time order suitable inmates of the Protective Homes to be admitted into Homes established under the After Care Programmes of the State Government.(6)A Disposal Register in Form X shall be kept in every Protective Home in which full particulars shall be entered of the manner in which every inmate is disposed of on discharge and of her after-career. Every effort shall be made by the Superintendent to keep in touch with the inmates for at least 3 years after their discharge.(7)An annual return in Form XI shall be made by the Superintendent to the Chief Inspector. The remarks made by the Board of Visitors from time to time during the year to which the return relates shall also be communicated to the Chief Inspector with the return.

39. Marriage of inmates of protective homes.

(1)The Superintendent may, if possible, arrange for marriage of an inmate with a man of her own religion; provided that her previous consent in writing and that of her parent or guardian, if she has not attained the age of eighteen years, is obtained; and provided that no monetary consideration is accepted from the person to whom the inmate is married or from any person interested in him. In case there is no parent or guardian living, the consent of the nearest relations should be obtained.

The wishes of the inmate shall in every case be considered.(2)No such marriage shall be performed without the permission of the District Magistrate.

40. Chief Inspector of protective home.

(1)The State Government shall appoint a Chief Inspector for all the Protective Homes in the State.(2)Among other duties assigned to him by the State Government from time to time, the following duties shall appertain to the Chief Inspector:(a)he/she shall superintend and control the working of [Prevention of Immoral Traffic] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.] (Orissa) Rules, 1959;(b)he/she shall have general control over the staff in all protective Homes in the State;(c)he/she shall inspect all protective Homes whether established or licensed by the State Government, at least once a year and submit his/her inspection report to the State Government.

41. Board of Visitors.

(1)The State Government may appoint for any local area a Board of Visitors to visit once in a month the Protective Homes situated within such local area and to comment and advise on matters affecting the administration of such Protective Homes.(2)The State Government may appoint to a Board of Visitors to work as its members such officials and non-officials as it may deem necessary, the total number being not less than three and not more than seven, one of whom shall be nominated as President. Non-official members may include experienced social welfare workers, particularly women social welfare workers, in the field of suppression of immoral traffic in women and [children or minors] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.].(3)A non-official member shall hold office for two years from the date of his/her appointment and shall be eligible for reappointments.(4)It shall be the duty of the Board-(a)to enquire into and see that the arrangements in the Protective Homes are proper in all respects;(b)to examine the medical, admission and disposal registers and any other connected records;(c)to see that no inmate is illegally detained in Home;(d)to bring any special cases to the notice of the Chief Inspector;(e)to interview new admissions since the last meeting and to hear any representations that the inmates may desire to make; and(f)to carry out any other duties which may be assigned to the Board from time to time by the State Government.(5)The Board shall hold a formal meeting once in every three months. The meeting shall be held in the Protective Home or if there are two or more Protective Homes in any area, in each Home by rotation. The Superintendent of the Protective Home in which the meeting is held shall be the Secretary of the Board for the meeting.(6)No business shall be transacted at the meeting of a Board unless at least three members are present.(7)The President shall preside at every meeting of the Board at which he/she is present. If the President is absent from any meeting, the members present shall elect one of the members to preside over the meeting and the member so elected shall at that time exercise all the powers of the President.(8)The President of the Board shall fix the date and hour of the meeting and a week before the date so fixed, a notice thereof, together with an abstract of any special matters to be considered, shall be furnished to the members by the Secretary of the Board.(9)The minutes of each meeting shall be approved by the President and sent by the Superintendent of the Protective Home in which the meeting is held to the Chief Inspector with his/her remarks.(10)The Superintendent of each Home shall bring to the

notice of the Chief Inspector all cases of failure on the part of any member to attend a meeting. The Chief Inspector shall keep a record of such cases of absence and shall, when any non-official member's attendance is markedly irregular, bring the notice of the State Government who may, if they think fit remove such member from office.(11)The Superintendent shall be advised by the resolutions of the Board in the management of the Home; Provided that, if in the opinion of the Superintendent, it would be inconsistent with the Act or these rules, or in expedient to give effect to any such resolution, he/she shall submit the resolution for the orders of the Chief Inspector and intimate to the President of the Board the fact of his/her having done so. The order of the Chief Inspector shall be final. It will however be subject to review by the State Government who may confirm, rescind or modify such order.

42. Visitor's Book.

- The Superintendent shall cause a Visitor's Book to be maintained at the Protective Home. A copy of the remarks of a visitor recorded in Visitor's Book shall be submitted by the Superintendent to the Chief Inspector soon after the remarks are recorded by the visitor.

43. Annual returns.

- The Superintendent shall submit to the Chief Inspector a report on the administration of his/her Protective Home for the previous year not later than the 15th May of each year in the form prescribed by the State Government. The Chief Inspector shall send annually to the State Government in the first week of July each year a report on the working of these rules together with his remarks, if any.

44. Forms.

- In addition to the forms already prescribed and annexed hereto, the State Government may include in the body of the rules, the manner in which the accounts of a Protective Home shall be maintained and audited and the registers and statements required for the same and prescribe their forms. Similarly forms of other registers required to be kept under the rules and any other registers may also be included.

45. Punishment for breach of rules.

- Any person who commits a breach of Rule 7 or 34 of these rules, shall on conviction by a Magistrate, be punishable with fine which may extend to two hundred and fifty rupees. Form-1[See Rule 4]Form of undertakingIn the Court of the Magistrate..... of..... do hereby declare that I am willing to take charge of.....aged.....under the orders of the Court, subject to the following terms and conditions;(i)I shall do my best for the welfare of the [child or minor] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.] as long as she remains in my charge and shall make proper provision for her maintenance;(ii)If the [child or minor] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.]'s conduct is unsatisfactory, I shall at once

inform the Court;(iii)In the event of the [child or minor] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.]'s illness, she shall have proper medical attention in the nearest hospital;(iv)The [child or minor] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.] shall be free to follow the observance of her own religion;(v)I undertake to produce her before the Court when so required.

Form-II[See Rule 5]Warrant of commitment to a Protective HomeIn the Court of.....To the Superintendent of the Protective Home at.....Whereas.....particulars of whom are furnished below has been ordered by me to be detained in a protective home for a period of..... fromto..... under [* * *]

[Omitted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.]/Sub-section (2) of Section 17/Sub-section (2) of Section 19 of Immoral Traffic (Prevention) Act, 1956 (104 of 1956);This is to authorise and require you the said Superintendent to receive the said into your custody together with his warrant and there to detain her for the period referred to above in accordance with [Prevention of Immoral Traffic] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.] (Orissa) Rules, 1959, and to return this warrant with an endorsement certifying the manner of its execution.

Particulars :(1)Name of the woman or [child or minor] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.](2)Age(3)Religion(4)Marks of identification(5)Offence charged(6)Offence for which convicted(7)Sentence passed.(8)Date of sentence(9)Period of detentionGiven under my hand and seal of the Court this..... day of..... 20.....

Form-III[See Rule 7(i)]Form of application for licence(1)Full name of the applicant or association (if registered a copy of the registration certificate and particulars of all members of the association shall be given)(2)Religion(3)Residence (Town or village)Police-StationDistrict(Note. - In case of association, particulars regarding items 2 and 3 be mentioned in respect of each member)(4)Name of the Institution.(5)Aims and objects of the Institution.(6)Details about the financial condition of the Institution; funds, property and sources of income.(7)Arrangements made or proposed to be made for boarding and lodging. Also details of the building, whether owned by the Institution or rented.(8)Arrangements in respect of general health of inmates and facilities for their medical treatment and arrangements proposed to be made for the education and vocational and moral training designed to make them fit for rehabilitation in life as normal citizens.(9)Full address of the proposed Institutions including the name of the city or town and the locality.(10)If any such application has been made previously, please state its result together with its date, month and year.(11)If the Institution exists at present, the date of its commencement, annual reports of its working if prepared or its working to date.(12)Number and particulars of inmates at the time of opening the Institution.(13)Maximum number of accommodation for children and women.(14)Any other particulars.I/We..... hereby solemnly affirm that the above and annexed particulars are true according to my/our best of knowledge and belief.

Signature(s) with date and place and name in block letters

Form-IV[See Rule 7(2)]Licence

Serial No. of licence	Name and full address of the protective Home	Name and full description and residence of licence	Name in full of the Manager of Protective Home	Particulars of services to be rendered by the Institution	Restrictions as to number of inmates	Date of expiry of licence	Remarks
1	2	3	4	5	6	7	8

The day of 20.....(Seal)Licensing AuthorityConditions

1. This licence is granted subject to all the provisions of the Immoral Traffic (Prevention) Act, 1956 (No. 104 of 1956) and the Prevention of Immoral Traffic (Orissa) Rules, 1959.

2. The licensee shall affix on a conspicuous part of the Protective Home a sign board on which shall be painted in large letters in English and Hindi the name of the Protective Home.

3. The licence shall not be transferable.

4. The licence shall remain in force for a period of one year from the date of issue.

Form-V[See Rule 7(3)]Form of application for renewal of licence(1)Full name of the applicant or Association (if registered a copy of the registration certificate and particulars of all members of the Association should be given)(2)Religion(3)Residence (Town or village)Police-stationDistrict(4)Name of the Institution(5)Licence No. and year(6)Any other particularsSignature(s) with date and placeand names in block lettersForm-VI[See Rule 8(i)]Inmate's Register(Name of the Protective Home)

1. Name of the inmate

2. Father's name or husband's name (in the case of a married woman or [child or minor]) [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.]

3. Age

4. Caste or religion, previous occupation, if any

5. Previous place of settled residence, if any (town or village), taluk and district

6. Height

7. Weight on admission

8. Marks of identification

9. General health

10. Ability to do any skilled work

11. Calendar No. of the case, and sentencing authority

12. Period and date of order of committal

13. Date of admission.

14. Date of expiry of period of detention or transfer to another home.

15. Labour on which employed.

16. Particulars and value of property delivered with or found on the inmate on admission, or subsequently received on her account with signature or left thumb-print in acknowledgment of correctness on each occasion and on disposal.

17. Initials of Superintendent (with dates) in token of having received the property into his/her charge.

18. Remarks showing how the inmate has been disposed of after expiry of the period of detention or transfer. Initials of the Superintendent in token of the accuracy of the entries.

19. State of health and weight on the date of discharge.

Note. - Particulars about health should be entered by the Medical Officer. Form-VII[See Rule 10]History Ticket

1. Name of Protective Home

1.

-A. Date of admission

2. Date of expiry of the period of detention

3. Serial No. in the Inmates' Register

4. Name

5. Age

6. Height

7. Weight on admission

8. Diet

9. Nature of labour on which employed

10. State of health on admission

11. Remarks (Punishment awarded, etc.)

12. Results of monthly medical examinations and weighment State of health

Date :Remarks and initials of the SuperintendentNote. - Particulars about health should be entered by the Medical Officer.Form-VIII[See Rule 11]Statement showing the gain or loss in weight of inmates in *(..... for the month of.....)

Name of protective home	Total number of inmates weighed	Number of inmates lost weight	Number of inmates gained weight	Number of inmates whose weights have not changed	Average gain in weight
(1)	(2)	(3)	(4)	(5)	(6)

*. Here enter the name of the Protective Home.Form-IX[See Rule 19 (2)]Medical Officer's Journal(Name of the Protective Home)

Month and date Observations or direction of the Medical Officer Remarks of the Superintendent

Form-X[See Rule 38(6)]Disposal Register(Name of the Protective Home)

1. Serial No.

2. Name of [child or minor] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.] or woman

3. Age

4. Caste, religion and language

5. Conduct

6. Attainment

7. Health

8. Medical treatment

9. Date of leaving

10. Duration of stay

11. Remarks

12. Signature of Superintendent

Form-XI[See Rule 38(7)]Number of persons discharged during the year

District Taluk Town or village

1. Name of the Protective Home

2. Number of [child or minor] [Substituted vide Orissa Gazette Part-III-A No. 3 dated 20.1.1995.], women discharged during the year

Station :Date :Superintendent of Protective Home