

The U.P. Habitual Offenders' Restriction Rules, 1957

UTTAR PRADESH

India

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Rule

THE-U-P-HABITUAL-OFFENDERS-RESTRICTION-RULES-1957 of 1957

- Published on 1 January 1957
- Commenced on 1 January 1957
- [This is the version of this document from 1 January 1957.]
- [Note: The original publication document is not available and this content could not be verified.]

The U.P. Habitual Offenders' Restriction Rules, 1957Published vide Notification No. 2587-R/8-B-62-B-55, dated July 15, 1957, published in U.P. Gazette, Part 1-A, dated July 27, 1957In continuation of Notification No. 4675 R/VIII-B-62-B-55, dated August 9, 1955, it is hereby notified that the Governor has, in exercise of the power conferred by Section 20 of the Uttar Pradesh Habitual Offenders' Restriction Act, 1952 (Act XXXVIII of 1952), made the following rules for carrying into effect the purposes of the said Act :

1.

These rules may be called the Uttar Pradesh Habitual Offenders' Restriction Rules, 1957.

2. Definitions.

- In these rules, unless there is anything repugnant in the subject or context,-(a)"Act" means the Uttar Pradesh Habitual Offenders' Restriction Act, 1952;(b)"Inspector-General" means the Inspector-General of Prisons, Uttar Pradesh;(c)"Form" means a form appended to these rules;(d)"Government" means the Government of Uttar Pradesh;(e)"Restricted person" means a person against whom an order of restriction has been made;(f)"Section" means a section of the Act;(g)"Settler" means a person, confined in a settlement under the provisions of the Act.

3. Notice.

(1)A notice under sub-section (1) of Section 4 shall be in Form 1 and every copy thereof shall bear the signature of the District Magistrate and the seal of the Court. The notice shall be issued in duplicate and shall be served by a police officer like any other process issued by a Magistrate.(2)One

copy of the notice shall be handed over to the person concerned and on the other copy shall be obtained, in acknowledgment of receipt of the notice the signature or thumb-mark of such person, which shall be attested by two witnesses of the locality.

4.

The Superintendent of Police shall cause register to be maintained in Form II of all restricted persons residing within his jurisdiction and make additions and alterations therein, from time to time, on the authority of the orders passed under Sections 8 to 10.

5.

At the time of making an order of restriction, the District Magistrate shall determine, after making such inquiry as he may deem fit, the place where the person against whom the order is made should be deemed to be ordinarily residing and shall make record of the same in the order.

6. Token.

- Every restricted person shall be given a metallic token as a mark of identity bearing the serial number at which his name is entered in the register. He shall produce this token on demand by the Pradhan of a Gaon Sabha, a police officer or Magistrate.

7. Restriction and passes.

- Every order of restriction (Form III) shall state whether the person against whom the order is made, is required to restrict his movements or to report himself or to do both. The order shall specify the area and the nature of the restrictions imposed and the places, the times, and the manner of report, as the case may be.

8.

If the restricted person resides in a rural area, the Superintendent of Police shall cause a notice to be given to the Pradhan of the Gaon Sabha having jurisdiction in the area in which the restricted person resides, inviting his attention to the duties imposed on him under Rules 11 (a) and 12. In the case of restricted persons residing in urban areas full particulars shall be furnished to the officer-in-charge of the police station within whose jurisdiction the person concerned resides.

9.

The area to which the movements of a restricted person may be restricted, shall, unless otherwise by the order, be-(a)if the place of residence is a town, the limits of the town;(b)if the place of residence is a village, the limits of the village during nights and a group of villages round about the place of residence or the limits of the Police Station, as the District Magistrate may decide, during the day

time. The exact hours of the day during which these restrictions will be applicable in individual cases shall be determined by the District Magistrate and specified in the order of restriction.

10.

Any person in respect of whom an order of restriction of movement only (under clauses (a) and (b) of sub-section (1) of Section (3) has been made, shall not leave or be absent from the limits of the area to which his movements have been restricted, without having obtained a pass in Form IV.

11.

(a)The Pradhan of the Gaon Sabha of the village in which the restricted person resides, may grant to such person a pass authorising him to leave to the area to which his movements have been restricted, for a period not exceeding three days. It shall be the duty of the Pradhan of the Gaon Sabha to consider duly the request of the restricted person when approached in this regard. In the case of the restricted persons residing in urban areas this duty shall devolve on the officer-in-charge of the Police Station, in whose jurisdiction the person concerned resides.(b)The officer-in-charge of the Police Station within whose jurisdiction such person resides may, on due cause being shown, grant to such person leave of absence for a period not exceeding 15 days and issue a pass accordingly.(c)The Superintendent of Police may grant to such person leave of absence for any period exceeding fifteen days and issue a pass accordingly.(d)(i)A pass granted under sub-rule (a) shall be in duplicate and each copy shall be signed by the person granting leave. One copy of the pass shall be retained by the person granting the same and the second shall be given to the person to whom leave is granted.(ii)Any pass granted under sub-rules (b) and (c) shall be drawn up in triplicate and each copy shall be signed by the officer granting leave. One copy shall be retained by such officer, the second shall be given to the person to whom leave has been granted and the third shall be sent to the officer-in-charge of the Police Station within the limits of which the destination of the holder of the pass lies.(e)A pass granted under this rule may be called at any time. Intimation of such cancellation shall be given to the person concerned without delay and he shall surrender the pass to the authority which issued it.

12.

Every person in respect of whom an order of restriction both of movement and report has been made, shall, unless otherwise directed by the order, report-himself between the hours of 7 and 9 p.m. in the rural areas to the Pradhan and in his absence to the Up-Pradhan of the Gaon Sabha and in the absence of both, to any member of the Gaon Panchayat and in the urban areas at the Police Station within the jurisdiction of which he resides :Provided that in rural areas where a restricted person does not comply with the provisions of this rule, the Pradhan of the Gaon Sabha shall report the fact to the nearest Police Station-(a)for the first six months commencing from the date of the order of restriction, on every day;(b)for the next twelve months, at an interval of not more than four days; and(c)for the remaining period, at an interval of not more than eight days :Provided that if during any of the periods mentioned above :(i)such person is convicted of any non-bailable offence, or(ii)such person is reasonably suspected by the Superintendent of Police, for reasons to be

recorded in writing, of having been concerned in the commission of a non-bailable offence, he shall, on being served with a written order of the Superintendent of Police, report himself in the manner prescribed in clause (a).

13.

Any Police Officer not below the rank of a Sub-Inspector may, at any time after giving notice, call any or all restricted persons residing within his jurisdiction to the Police Station.

14.

Every restricted person shall notify in writing the intended change of his residence to the officer-in-charge of the Police Station within the jurisdiction of which he is residing and also to the Pradhan of the Gaon Sabha if he is residing in a village. When notifying the intended change of residence, he shall intimate the location of his intended new residence and the day on which he proposes to move to such residence.

15.

The Superintendent of Police may issue to any restricted person, a permanent pass in Form V specifying the days on and the hours during which such person may visit the nearest bazar or market place outside the area to which his movements have been restricted.

16.

The Superintendent of Police or any officer empowered by him in this behalf may at any time order the finger impressions of any restricted person or a settler to be taken and such person shall thereupon allow his finger impressions to be taken.

16A. [[Added by Notification No. 5375-K/VIII-B-61, dated July 24, 1962, published In U. P. Gazette Part 1-A, dated August 4, 1962.]

The finger impressions of a restricted person or a settler should be taken by a proficient in the presence of a Gazetted Police Officer, or Public Prosecutor or the Manager of the Settlement, in which the settler resides, who will sign the finger impressions slip in verification of the facts that finger impressions were taken before him and that they are the finger impressions of the restricted person or the settler named on the slip. These finger impressions should be taken on Red Banded slip and should clearly show details of previous convictions, absence from home and habits of crime.]

17. Assessors.

- The District Magistrate shall draw up a tentative list of persons including representatives of societies engaged in social service, whom he considers suitable for serving as assessors. He will satisfy himself that only such persons are included in the list as may have, experience of public affairs, and are capable of forming sound and independent judgment.

18.

(i)The District Magistrate shall cause the tentative list to be published by passing it at the notice board of the Collectorate and at such other conspicuous place in the town as he may deem fit, with a notice for inviting objections. After considering the objections, if any, the names of the persons, who are either not willing or are found unsuitable to act as assessors, shall be struck off and any new names may be added.(ii)No person, who is exempt from the liability to serve as an assessor under Section 320 of the Code, shall be included in the list.

19.

(i)The list shall then be finalized and the names of the approved persons shall be arranged in alphabetical order alongwith the father's name, occupation and place of residence of each person.(ii)The list so prepared shall be revised once in every two years in accordance with the procedure prescribed in Rules 17 and 18.

20.

(i)For the purposes of review under Section 19 and extension of the period of restriction under Section 12, the District Magistrate shall summon two assessors in the order in which their names appear in the list specifying the date, time and place for attendance.(ii)The first review shall be held not later than three months, from the date of the order of restriction and the subsequent reviews at intervals not exceeding six months from the last review.

21.

Every assessor shall be paid his actual travelling expenses for his journey from his residence to the court and back and also the daily allowance which may be admissible to him if he were summoned as a witness in the court of the District Magistrate for every day or part thereof spent in acting as an assessor.

22.

Establishment and management of settlements. - The establishment of every settlement shall be notified in the Official Gazette and the notification shall give full details of the localities, if any, comprised within the settlement, and specify the boundaries thereof:Provided that the State

Government may, at any time, by notification in the Official Gazette, wind up settlement established under this rule.

23.

The State Government may, by notification certify any privately managed settlement to be fit for reception of habitual offenders if it is satisfied that such settlement has adequate funds and effective machinery to run it on the lines of the Government settlements :Provided that the State Government may, at any time, withdraw any recognition given to a privately managed settlement.

24.

The general control of all settlements shall vest in the Inspector-General who may delegate any power conferred on him by these rules to any officer subordinate to him :Provided that the Government may, at any time, by notification, transfer the control of settlements to any other authority.

25.

Each settlement shall be under the charge of a manager who shall be responsible for the internal administration of the settlement, the general welfare of the settlers, and the enforcement of these rules :Provided that in the absence of the Manager his assistant or the official whom he deposes to officiate for him, shall remain in charge of the settlement and shall perform all the duties and have all the powers of the Manager.

26.

(1)Every settlement shall have an Advisory Committee consisting of 5 members besides the Chairman and the Secretary of whom not less than 2 shall be non-officials.(2)The members of the Committee shall be appointed by Government on the recommendation of the Inspector-General.(3)The District Magistrate shall be ex-officio Chairman of the Committee and the manager of the settlement shall be the ex-officio Secretary.(4)The members of the Committee shall hold office for three years but a member shall be eligible for appointment on the expiry of the term of his office.(5)The term of appointment of a non-official member may be terminated by Government at any time without assigning any reason.(6)A non-official member shall not be entitled to any travelling, daily or conveyance allowance for attending to the work of the Advisory Committee.

27.

The Chairman of the All India and State Crime Prevention Societies shall be ex-officio visitor of all settlements.

28.

It shall be the duty of the members of the Advisory Committee-(a)to attend meetings of the Committee;(b)to visit and inspect the settlement and to meet the settlers thereof; and(c)to record inspection notes in the Visitor's Book which shall be maintained for the purpose. The members may also record such suggestions for improvement of the settlement, or in regard to any affair pertaining thereto as they may like to make.

29.

The Advisory Committee shall-(a)so far as possible meet four times in a year preferably in January, April, July and October;(b)satisfy itself that necessary measures for discipline, employment and medical care are being taken;(c)receive applications and complaints from the settlers;(d)inspect the accounts and other registers and records of the settlement; and(e)consider any other matter connected with the progress of the settlement and the welfare of the settlers.

30.

A copy of the proceedings of each meeting of the Advisory Committee and also the remarks recorded by the members of the Committee at the time of their visit shall be sent to the Inspector-General with such remarks as the Manager may desire to offer in explanation or otherwise and thereupon the Inspector-General shall pass such orders as he thinks necessary. The Manager shall place a copy of such order before the quarterly meeting of the Committee or send it to the member making the remarks, as the case may be.

31.

No Police Officer shall ordinarily enter the premises of a settlement without informing the Manager.

32.

Except as provided in Rule 31, the Police shall have the same powers in matters of entry into the premises of the settlement, conducting investigation and search therein, inspection, and seizure of documents forming part of the records of the settlement or in the possession of any person residing therein, and of arresting any person residing in the settlement as they exercise in respect of similar matters under the Code without violating Rule 31.

33. Admission to and residence in the settlements.

(1)When a habitual offender is ordered to be confined in a settlement under Section 15 (1), the Police shall take him into their custody and escort him to the settlement alongwith the order of confinement under the seal of the Court. The Manager of the settlement shall, on presentation of such an order, be bound to admit the habitual offender in the settlement.(2)Ordinarily only the

person ordered to be confined in a settlement shall be admitted therein. If the Inspector-General is satisfied that it is in the interest of a settler that his dependants should reside with him in the settlement, he may, if they so desire, permit them to reside in the settlement :Provided that before such permission is granted, Inspector-General shall-(a)ascertain by making such enquiry as he deems fit, that the settler is responsible for the maintenance of the dependant and that he and his dependants cannot conveniently live apart, and(b)obtain an undertaking from the settler that the dependants shall observe the discipline of the settlement, and that he shall be responsible for any breach of the provisions of Rule 40.(3)The dependants of the settler shall, so long as they reside in the settlement, observe the discipline of the settlement and in particular the provisions contained in clauses (b) to (i) and clause (1) of Rule 40.(4)The settler shall exercise proper control over his dependants and shall not be an accomplice in any breach of the provisions of Rule 40 as specified in sub-rule (3), committed by any of his dependants.(5)Any breach of the provisions of Rule 40, as specified in sub-rule (3), by any of the dependants, may, at the discretion of the Manager, be dealt with as provided in Rule 42 and the punishment imposed on the habitual offender concerned, if the Manager, after making necessary enquiry, is satisfied that the habitual offender did not exercise proper supervision over his dependants' or that he was an accomplice, in the breach. For such breach a dependant shall also be liable to be expelled from the settlement by order of the Inspector-General.Explanation. - For purpose of this rule, dependants include-(i)wife,(ii)unmarried daughters,(iii)sons below 18 years of age,(iv)father, mother, widowed daughter or sister who are entirely dependant upon him, and(v)any other relations who for reasons of mental or physical disability or otherwise are entirely dependant upon him and whose stay with the offender is considered necessary by the Inspector-General.(6)A son above 18 years of age shall not be admitted into settlement as a member of the family of a habitual offender except when, in the opinion of the Inspector-General, it would be difficult for him to live separately from his father.

34.

When a habitual offender is brought for being admitted in the settlement, the Manager shall cause a search to be made of his person and property and of the persons and properties of his dependants, if any, with a view to ensure that they carry no article with them which can be used as a weapon of offence and no liquor or other intoxicant or article, the possession of which is an offence under the law or the use of which is considered undersirable in the interests of the reform of the offender, or which is suspected to be a stolen property.The Manager shall then assign a place of residence to the habitual offender and his dependants, if any, in the settlement.

35.

Action shall be taken by the Manager in respect of the articles mentioned in Rule 34 which are recovered from the habitual offender or his dependants as follows :(a)Action in respect of articles, the possession of which is an offence under any law shall be taken in accordance with the provisions of the law.(b)The articles which can be used as a weapon of offence shall be disposed of by sale, the sale-proceeds being given to the offender.(c)The articles which are considered unobjectionable may be allowed to be retained by the habitual offender in the settlement.(d)The liquor and other intoxicants shall also be disposed of in such manner as the Manager may deem fit :Provided that the

Manager may permit the entire or a part of the liquor or the intoxicants to remain with the habitual offender under a permit to be granted by him under Rule 39 :Provided further that the Manager shall maintain a register in form VI for keeping records of the property found with the habitual offender or his dependants at the time of admission to the settlement or subsequently acquired and the manner in which the said property has been disposed of. A separate page in the register shall be assigned to each habitual offender.

36.

Wherever possible, separate sections will be provided in settlements for the following types of person : (a) single male settler, (b) single female settler, (c) settlers belonging to the same family.

37.

Destitute habitual offenders and their dependants shall, on admission in the settlement, be provided with a set of clothing and bedding according to the scale that may be fixed by Government.

38.

If a settler contracts marriage with an outsider, the Manager of the settlement may allow the spouse of the settler to live with him or her in the settlement.

39.

Conduct and behaviour in the settlement. - No settler shall be allowed to possess or use any liquor or other intoxicant : Provided that the Manager may, under a permit to be given in Form VII, allow any settler to possess liquor or any other intoxicant in such quantity as he deems fit, on medical grounds.

40.

A settler shall not - (a) refuse to perform any work assigned to him by the Manager nor will be engaged in any work prohibited by the Manager, (b) commit any act of indecency, (c) refuse to obey orders issued by the Manager to ensure proper sanitation and hygiene in the settlement, (d) misbehave, quarrel or to cause any disturbance, (e) gamble or bet, (f) join any trade union or political organization, (g) resist or refuse to obey any lawful order issued by the Manager or refuse to give a true account of himself, (h) have in his possession any article which has been forbidden by the Manager as being capable of use as a weapon of offence, (i) fail to assist in the maintenance of discipline or to give assistance to an officer of the settlement when called upon to do so in the interest of the institution, (j) leave without permission the working party to which he is assigned or the part of the premises in which he may be required to be present at any particular time, (k) endeavour to escape from the settlement limits within which he is legally required to stay, or (l) refuse admission to the Manager into his residence whenever the latter wants to enter it for

purposes of inspection or search.

41.

All settlers shall comply with the direction of the Manager in respect of the following : (1) to keep their persons, belongings and residences including the land in front thereof, clean, (2) to clean any place in the settlement which is in common use, (3) to keep their animals at such places and in such conditions as he may direct, (4) to report sickness in their families to him, and (5) to segregate in such manner as may be specified any dependant who may be suffering from any infectious disease.

42.

(a) Any breach of these rules on the part of a settler may be dealt with, for reasons to be recorded in writing, in any one or more of the following ways : (i) formal warning to be recorded in history sheet, (ii) confinement in barracks for a period not exceeding 15 days, (iii) solitary confinement in barracks not exceeding 7 days at a time, (iv) stoppage of bonus or wages in part or in full, and (v) withdrawal of remission. (b) A settler whose conduct is found to be satisfactory, may be granted remission by the Inspector-General for a period not exceeding one month for each year of confinement.

43.

Action in respect of any act done by a settler, which is an offence under the law, shall be taken according to law.

44.

The Manager of every settlement shall maintain a register in Form VIII for keeping record of the orders relating to general discipline, conduct and movement of settlers and similar matters passed by him, from time to time. He shall also maintain two notice boards set up at some prominent place in the settlement, - (i) for giving publicity to the rules and regulations permanently in force in the settlement, and (ii) for giving publicity to orders passed and direction issued by him, from time to time.

45. Employment of settlers.

- The Manager in charge of a settlement shall satisfy himself that every settler residing in the settlement is provided with adequate means of subsistence and he shall report forthwith to the Inspector-General if there be any difficulty in this respect.

46.

Every habitual offender shall, on his admission to the settlement, be placed under apprenticeship in some trade, which is being taught or followed in the settlement :Provided that such apprenticeship may not be considered necessary by the Manager in the case of a person who is already acquainted with a trade being taught or followed in the settlement or which though not taught or followed in the settlement can earn him an honest living in or outside the settlement :Provided further that the Manager may order such apprenticeship for such dependants of a habitual offender as he considers worthy of the same.

47.

Every settler under apprenticeship shall be paid during the period of his apprenticeship a subsidy according to the scales that may be fixed by Government, from time to time.

48.

On the expiry of the period of apprenticeship, the settler shall be given work as far as possible on the contract of payment by piecework, the worker being paid at the full estimated value of the work done by him.

49.

Notwithstanding anything contained in these rules, the Manager may either during the apprenticeship period or thereafter, employ any settler on any remunerative job with which the settler is familiar.

50.

The settlers, who are not placed under apprenticeship in a trade or are granted exemption from the same, shall also be employed, unless they are unfit on account of age, physical infirmity or illness, on some physical work suited to their constitution and they shall be paid for the work according to the fixed scale of wages in the same manner as an apprentice.

51.

No settler shall be compelled to work for longer hours than the following :

Adults (16 years or over) ... 54 hours per week.

Juveniles (12-15) ... 28 hours per week:

Provided that the time occupied in attending school or physical exercises shall be regarded as labour for the purpose of this rule.

52.

(a) Where a settler earns in a settlement more money than is necessary for his maintenance and that of his dependants, the Manager may deposit the surplus, from time to time, in a savings bank account opened in the name of such settler. When an account of this nature has been opened, the pass book shall remain in the custody of the Manager. (b) The settler shall have the liberty to spend out of his savings freely in a canteen, if any, maintained on the premises and on special occasions when he goes out. He may also draw upon his balance for special occasions but for doing so, he shall obtain the permission of the Manager.

53. Movement outside settlement and release from settlement.

- Unless exempted by a general or special order of the Manager, no settler shall leave the limits of the settlement without a pass.

54.

(1) Passes for going out of the settlement shall be granted as follows :-(a) Works Pass. - Settlers who have been permitted to take up regular daily employment outside the limits of their settlement shall be granted permanent work passes in Form IX by the Manager of the settlement concerned. A pass issued under this rule shall be surrendered to the Manager when the person to whom it has been granted, ceases to be employed on the work which he has been permitted to undertake. (b) Temporary Pass. - Passes may also be issued to settlers in Form X authorising them to attend a bazar, a fair, a social or religious gathering or a hospital or to visit a friend or relation or for any other casual business, for a specified time of the day, at the discretion of the Manager. A pass issued under this rule shall be surrendered to the Manager on the return of the settler to the settlement. (c) Out Station Pass. - A pass to proceed to any place within the State for any specific period may be granted to a settler by the Manager in Form XI : Provided that the Manager shall obtain the permission of the Inspector-General where this period extends beyond one month : Provided further that no pass shall be given for more than a year at one time. (d) Ex-State Pass. - (1) A pass may also be granted to a settler in Form XII by the Inspector-General for proceeding to a place outside the State and staying there for any period. This pass shall be granted by the Inspector-General after consulting the Inspector-General of Police, Uttar Pradesh. (2) The Inspector-General may, in special circumstances, exempt any settler from the necessity of obtaining a pass for proceeding to any place. (3) Each pass granted under this rule except a pass granted under sub-rule (d) which shall be signed by the Inspector-General shall be drawn up in triplicate and all the three parts shall be signed by the Manager. One part shall be retained by the Manager, the order shall be given to the settler to whom it has been granted, and the third shall be sent to the officer-in-charge of the Police Station within the limits of which the destination of the holder of the pass lies.

55.

A habitual offender using a pass granted under sub-rules (c) and (d) of Rule 54, shall travel by the route specified in the pass and notify his arrival immediately to the authority specified in the pass, in the village, town or settlement at which he has arrived and shall thereafter report himself at such times and places as have been specified in the pass.

56.

A pass granted under sub-rules (c) and (d) of Rule 54 shall be surrendered by the grantee to the Manager of his settlement personally on return to the settlement in due time and before leaving the place where for the pass was granted, he shall have time and date of departure therefrom endorsed on the pass by the authority concerned. In case the grantee is unable to return to the settlement for some good reason such as serious illness he shall inform the authority of the village, town or settlement where he is staying and which is specified in the pass, to this effect. He shall simultaneously send information to the Manager of his settlement.

57.

Notwithstanding anything in these rules, the pass granted to a settler may be withdrawn by the authority granting it at any time without assigning any reason.

58.

A habitual offender may be released conditionally on licence by the State Government, if in its opinion, such person has furnished satisfactory proof of good conduct and sustained industry, is not likely to commit any offence again, is capable of maintaining himself and his dependants by honest means and fulfils the following conditions : (a) he has resided in a settlement for not less than one year ; (b) he has not been awarded any disciplinary punishment for serious breach of these rules during the six months preceding the date of release.

59.

The period of licence shall not extend beyond the date on which the period of the order of confinement in a settlement expires.

60.

A person released on licence from a settlement under Rule 58, shall be required to observe the following conditions : (a) he shall reside at such place as the State Government may determine, (b) he shall be of good conduct, and (c) he shall obey, whilst released on licence, such conditions as to roll call and taking of passes as may be ordered by the State Government.

61.

Where a person released under Rule 58, fails to comply with the provision of Rule 60, his licence may be cancelled by the State Government and he shall, therefore, be liable to recommitment to a settlement for the remainder of the term for which he was originally ordered to be confined in a settlement.

62.

Except when absent on a pass granted under Rule 54 or when exempted from the roll call by the Inspector-General every settler shall attend roll calls to be held daily in the settlement at such times or time as may be fixed by the Manager and before such persons and at such places as may be appointed for this purpose by the Manager.

63.

(1)The settlers shall be allowed to meet visitors at appointed hours and with the previous permission of the Manager.(2)The Manager shall maintain a record of all such visits.(3)The Manager may refuse permission to a visitor or to meet a settler if he is satisfied that the visit is not in the interest of the settler.

64.

Every settler shall send his children between the ages of 6 and 11 years to the school in the settlement, or any other school specified by the Manager.

65.

No person shall indulge in the proselytisation or religious activities of a nature which are likely to cause friction between various settlers or hurt the feelings of any group or settlers but non-sectarian moral preaching which may be conducive to the spiritual uplift of the settlers, and the holding of religious functions like Kirtan, Ramayan recitals and Milad Sharif, may be permitted.

66.

The Manager shall see that every settler develops a sense of cleanliness and keeps his house neat and tidy and is also neat and tidy in his dress.

67.

No settler shall keep any cattle in a settlement otherwise than in accordance with the general or special directions that may be issued by the Inspector-General in this behalf, from time to time.

68.

No animals, the killing of which may wound the religious susceptibilities of any group of persons residing within the limits of the settlement, shall be slaughtered therein.

69. Release of habitual offenders from settlement.

- The Manager shall be guided by the following rules in the matter of release of persons confined in the settlement : (a) The day on which the sentence was passed and the day of release shall count as days of confinement. (b) The terms "months" and "year" mean a month and year reckoned according to the British Calendar. (c) When a sentence of confinement includes a fraction of a month, the month shall be reckoned to 30 days. (d) When a person confined in settlement is recaptured after escape, the day on which he had escaped and the day of which he was recaptured, shall both be counted as days of confinement. (e) On admission to the settlement, the name of the habitual offender shall be entered in the release check register in Form XIII at the time of admission. For every such offender, a date, called the check date, shall be fixed which shall be the date on which he will complete two-thirds of his sentence. The check date shall be entered in the release check register on the page allotted to the month within which the check date falls and shall also be recorded on the history ticket, warrant or warrant cover and all entries shall be signed by the Manager. (f) In the first week every month, the Manager or other officer entrusted with this duty, shall examine the warrant and history ticket of every habitual offender whose name is entered in the release check register under the month next following and fix the final date of release. After the date has been checked and approved by the Manager, the habitual offender's name shall be entered in the release register under the date finally fixed. The Manager or other officer entrusted with this duty, shall initial the entry and all similar entries made in the warrant cover and history ticket. (g) On or before the 25th day of every month, all habitual offenders to be released in the succeeding month shall be produced before the Manager and informed of the dates on which they will be released. (h) All release orders shall be complied with the same day. (i) The Manager shall not release any offender on the authority of any informal document. Release orders duly signed by the Presiding Officer of the Court and impressed with the Court's seal shall alone be acted upon. Such orders shall contain full particulars in regard to the habitual offenders to be released and shall be sent by courts as far as possible through court peons after having been duly entered in the dak-book or by post. (j) The Manager shall not release any habitual offender on the authority of telegrams save in the case of a telegram despatched by the Secretary to the State Government or by the Registrar of the High Court. Such telegrams should invariably be acknowledged by telegram. (k) No habitual offender suffering from any acute disease shall be discharged from the settlement against his will or until, in the opinion of the medical officer in charge of the settlement, he can be safely discharged. (l) The Manager is personally responsible for the correct release of habitual offenders. (m) Before a habitual offender is released from the settlement, the Manager shall compare the marks of identification as given on the warrant and in the settlement register with those of the habitual offender and take his thumb impression or at the discretion of the Manager in the case of a literate offender, his signature and compare it with that taken on the day of his admission so as to ensure beyond all doubts the habitual offender's identity. He shall also cause the descriptive roll of the offender to be read out and shall then endorse the order of release on the back of the offender's warrant and initial the entries of

the date of release In the release and admission registers.(n)At the time of releasing a habitual offender, the Manager shall deliver to him all money, and other property belonging to him. The words 'Property received' shall be stamped across the list of property entered in the property register (Form VI) and habitual offender's signature or left thumb-impression shall be taken below it in token of receipt. The Manager shall satisfy himself that the offender has received all his private property and shall countersign the entry in the property register.(o)The Manager shall supply every offender whose clothing has been torn or destroyed or is insufficient for the purpose of health or decency, with clothing according to the scale laid down below :One kurta and one pyjama if the offender has no clothes of his own. In case he does not like to wear pyjama, a dhoti may be given in place of pyjama. Destitute female habitual offenders may be given one sari and one jumper on release. In severe cold weather a serviceable blanket may be issued to real destitute and deserving habitual offenders who are old and infirm and when the journey involves travelling by night.(p)Every habitual offender shall, on release, be furnished with a certificate in Form XIV to the effect that he has completed the term of confinement and also a certificate of proficiency in any industry learnt by him during the period of confinement.(q)The following scale of diet money is laid down for habitual offenders in possession of not more than a sum of Rs. 2 on release :(a)Journey by road :(i)No allowance when the distance to be travelled by road is five miles or under.(ii)If the distance exceeds five miles, six annas a day for each day's march of fifteen miles or part thereof.(b)Journey by rail or lorry :(i)No allowance for journey when the distance to be travelled is 20 miles or under.(ii)When the distance exceeds 20 miles, six annas a day for each day or part of a day spent on the journey.(c)Double the amount of allowances in case of female and infirm habitual offenders, and for journeys in the hills.Note. - When diet money is admissible under both (a) (ii) and (b) (ii) on any particular day, only a single payment shall be made.(d)An offender, whose home is at more than five miles from the settlement from which he is released may be given :(1)a third class railway ticket, or(2)lorry fare of the lowest class, accordingly as his home is most conveniently reached by rail or by lorry :Provided that no offender shall be given either railway ticket or lorry fare if there is in deposit in his name in the settlement, enough money to pay for his fair leaving a sum of Rs. 2 with him for miscellaneous expenses.Form I[See Rule 3 (1)]Notice under Section 4 (1) of the U. P. Habitual Offenders' Restriction Act 1952I..... District Magistrate/Additional District Magistrate/Magistrate of the first class specially empowered under this Act (Act XXXVIII of 1952) am, upon information received, satisfied that Sri..... son of..... ordinarily residing in..... of this district is an habitual offender, having been sentenced to substantive terms of imprisonments as per details given below :

1.
2.
3.
4.

5.

the said sentences not having been set aside in appeal or revision; And whereas I am further satisfied that an order of restriction should be passed against the said Sri under Section 3 of the U.P. Habitual Offenders, Restriction Act, 1952 : Now, therefore, I hereby require the said Sri..... under sub-section (1) of Section 4 of the said Act, to appear before me at.....(time) on..... (date) at..... (name of place) to receive the order of restriction.

2. The said Sri..... is informed that under sub-section (2) of Section 4 of the said Act he can contest this notice on any of the following grounds and no other, namely, that :

(i) he was less than 18 years of age on the date of notice; (ii) a period of more than three years has intervened between the date of notice and the expiry of the term of the last sentence of imprisonment passed against him; (iii) he is not a habitual offender.

3. Action will be taken in accordance with Chapter VI of the Code of Criminal Procedure as if this notice were a warrant issued under the said Code, in case the said Sri..... is not traceable or in case he fails to receive this notice or after due service of this notice, fails to appear before me at the above time, date and place.

Seal of District Magistrate/ Additional District Magistrate/Magistrate of first class specially
Court empowered under this Act.

Form II (See Rule 4) Register of restricted persons to be maintained by the Superintendent of Police

1. Serial number.....

2. Police Station

3. Name, parentage, caste, residence, age of the person concerned.....

4. Date of issue of notice under Section 4 (1).....

**5. Whether the person complied with the notice. If so, on what date?
.....**

6. Whether arrested in accordance with proceedings under Section 5 ? If so, date of arrest.....

7. Date of order of restriction and its substance indicating the area to which movements are restricted and the manner in which he is required to report

8. Whether order of restriction passed under Section 6 (2) was amended by the Magistrate ? If so, date/dates of amendment and the substance of the amended order.....

9. Whether the restricted person applied for permission to change his residence to another district ? If so, what orders were passed by the Magistrate thereon.....

10. Date of review of the order of restriction.....

11. Whether the original order of restriction was extended by the Magistrate under Section 12 (1) ? If so, on what date and for what period ?.....

12. Whether any punishment was inflicted for breach of the restriction order or an order of confinement in settlement ? If so what ?.....

13. Whether the habitual offender was transferred from one settlement to another ? If so, the date of transfer and name of settlement.....

14. Date on which the restrictions were withdrawn.....

15. Remarks.....

Form III(See Rule 7)Order of RestrictionSealWhereas Sri..... (whose particulars are given below) was given a notice under Section 4 (1) of the U.P. Habitual Offenders' Restriction Act, 1952 (XXXVIII of 1952), and he has accordingly appeared before me in compliance thereof. And whereas after considering the objections of the said Sri..... and after making necessary enquiries as required by Section 6 of the Act, I..... District Magistrate/Additional District Magistrate..... am satisfied that the said Sri..... was not less than eighteen years of age on the date of notice and that a period of more than three years has not intervened between the date of notice and the expiry of the term of the last sentence of imprisonment passed against him and that he is an habitual offender in terms of Section 2(1) (c) of the said Act;Now, therefore, in exercise of the power conferred by Section 6 (2) of the said Act, I hereby pass the following order of restriction

against the said Sri..... after taking into account the conditions laid down in Section 7 of the Act.Particulars of the habitual offender

1. Name.....
2. Father's or husband's name.....
3. Age and sex.....|.....
4. Height and mark of identification.....
5. Residence (village/town, P. S. and district).....

Orders of restriction(i)His movements shall remain restricted to (here specify the actual area and limits) or say as in Rule 9 of the Habitual Offenders' Restriction Rules, 1957.(ii)He shall not leave the said area without obtaining a pass from the appropriate authority as laid down in Rule 10 of the said Rules.(iii)He shall report himself to..... between the hours..... as provided in Rule 12 of the said Rules.

2. Any breach of the above restrictions shall be dealt with under the provisions of the U.P. Habitual Offenders' Restriction Act, 1952 and the rules framed thereunder.

District Magistrate/Additional District MagistrateForm IV(See Rule 10)Pass for a restricted person to whom leave of absence from the area has been granted

1. Register No.....
2. Mame.....
3. Father's or husband's name.....
4. Sex and age.....
5. Height and mark of identification.....
6. Residence (village or town and police station)

7. Area to which his movements are restricted.....

8. Period of absence allowed from.....

9. Place to which proceeding.....

10. Business on which proceeding.....

11. Route to be taken } when proceeding.....when returning

12. Signature or left thumb-impression of the person granted leave.

Place and date of issue.....Signature of the Officer issuing the Pass.Form V(See Rule 15)Permanent pass for a restricted person for visiting Bazar, etc.

1. Register No.....

2. Name.....

3. Father's or husband's name.....

4. Sex and age.....

5. Height and mark of identification

6. Residence (name of village or town, and police station).....

7. Place of nearest Bazar.....

8. Day and time when permitted to visit.....

Day.....Time..... from..... to.....

9. Area to which his movements are restricted

10. Signature or left thumb-impression of the person granted pass.

Place and date of issue.....Signature of the District Superintendent of PoliceForm VI(See proviso to Rules 35 and 69 (n))Property Register of Habitual Offender

Name and other particulars of the	Date of admission	List of property found with the habitual	List of property disposed of in	List of property
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habitual offender		offender or his dependant on admission	accordance with Rule 35	allowed to be retained
1	2	3	4	5

List of property subsequently acquired by the habitual offender	List of property delivered to the habitual offender on the date of release	Signature or L.T.I. of the habitual offender intoken of the receipt of the property in column 8	Signature of the Manager	Remarks
Name of the article acquired	Date of bringing in the settlement			
6	7	8	9	10
				11

Form VII(See Rule 39)Permit for possessing liquor or other intoxicant

Seal of Settlement Name of Settlement

Sri..... son of..... admitted into the settlement on..... allowed to keep liquor/ intoxicant with him for his personal use on medical grounds as follows:(1)Name of liquor/intoxicant.....(2)Quantity to be kept.....(3)Remarks.....Form VIII(See Rule

44)Register of Record of the orders passed

Serial No.	Name of the person about whom order was passed	Number and date of order	Substance of order	Signature of Manager	Remarks
1	2	3	4	5	6
1					
2					
3					
4					
5					

Form IX[See Rule 54 (1) (a)]Work Pass

Seal of Settlement..... Name of Settlement.....

1. Name of pass-holder and other particulars.....

2. Description of pass-holder :

(1)Height.....(2)Complexion and general built.....(3)Identity mark.....

3. Nature and place of employment where for the pass has been issued.....

4. Date of issue

5. Period for which valid.....

6. Remarks.....

.....Signature or L.T.I. of the pass-holder.Signature
of Manager.

No.....Copy forwarded for information to Station Officer.....Signature of
Manager. Pass returned on..... (dated) at..... (time).....

.....Signature or L.T.I. of the pass-holder.Signature
of Manager.

Form X (See Rule 54 (1) (b)) Temporary Pass

Seal of Settlement..... Name of Settlement.....

1. Name of pass-holder and other particulars.....

2. Description of pass-holder :

(1) Height..... (2) Complexion and general built..... (3) Identity
mark.....

3. Hours during which allowed to go to Bazar, etc.....

4. Date of issue.....

5. Period of validity.....

6. Remarks.....

.....Signature or L.T.I. of the pass-holder.Signature
of Manager.

No..... dated..... Copy forwarded for information to the Station
Officer..... Manager. Pass given by or surrendered to the Manager on return from Bazar, etc.
at the following on each date.

Date	Given out.	Surrendered at.	Signature of Manager or the Official authorised in this behalf.
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Form XI (See Rule 54 (1) (c)) Out Station Pass (within Uttar Pradesh)

Seal of Settlement..... Name of Settlement.....

1. Name of pass-holder and other particulars.....

2. Description of pass-holder :

(1)Height.....(2)Complexion and general
built.....(3)Identity mark

**3. Date on which the pass-holder was confined in the
settlement.....**

4. Period of confinement.....

**5. District to which the pass-holder belonged before and from which he was
sent for confinement to the settlement ,.....**

6. Place to proceed whereto the pass is granted :

(1)Village or Mohalla.....(2)Town.....(3)Tahsil
and Police Station.....(4)District.....

**7. Authority to whom the pass-holder will present himself on arriving at his
destination.....**

**8. Authority to whom and the hour when the pass-holder will report himself
during the period of his stay at the place of his destination.....**

9. Route by which the pass-holder will proceed and return.....

10. Date of issue.....

**11. Date on or by which the pass-holder will return to the
settlement.....**

12. Remarks.....

.....Signature or L.T.I. of the pass-holder.Signature
of Manager.

No. dated..... Copy forwarded for information to the Superintendent of
Police..... district Manager of Settlement/Station Officer..... concerned. Manager. Pass
returned on.....(date)..... (time).....

.....Signature or L.T.I. of the pass-holder.

.....Signature
of Manager.

Form XII[See Rule 54 (1) (d)]Ex-State Pass

Seal of Settlement..... Name of Settlement.....

1. Name of pass-holder and other particulars.....

2. Description of pass-holder :

(1)Height.....(2)Complexion and general built(3)Identity
mark.....

**3. Date on which the pass-holder was confined in the
settlement.....**

4. Period of confinement.....

**5. District to which the pass-holder belonged before and from which he was
sent for confinement to the settlement.....**

6. Place to proceed whereto the pass is granted :

(1)Village or
Mohalla.....(2)Town.....(3)Tahsil and Police
Station.....(4)District.....(5)State.....

**7. Authority before whom the pass-holder will present himself on arriving at
his destination.....**

**8. Authority to whom and the hour when the pass-holder will report himself
during the period of validity of the pass.....**

9. Route by which the pass-holder will proceed and return

10. Date of issue.....

**11. Date on or by which the pass-holder will return to the
settlement.....**

12. Remarks.....

.....Signature or L.T.I. of the pass-holder.Inspector-general of Prison, Uttar Pradesh

No. date.....Copy forwarded for information to the Inspector-General of Prisons (or whatever the designation of the authority concerned of the other State is)

State/Inspector-General of Police, Uttar Pradesh/ Inspector-General of Police of the State concerned/Manager of Settlement/President, Gram Sabha...../Station Officer..... of the State concerned.....Inspector-General of Prisons, Uttar Pradesh.Pass returned on..... (date) at..... (time).....

.....Signature or L.T.I. of the pass-holder.Signature of Manager.

Form XIII(See Rule 69(e))Release Check Register

Month.....Year.....

Date	Given out.	Surrendered at	Signature of Manager or official authorised in this behalf.
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Serial No.	Name and other particulars of habitual offender	Date of admission	Period of confinement	Date of release	Date of check
1	2	3	4	5	6

Form XIV(See Rule 69 (p))Certificate to Release

Seal of Settlement..... Name of Settlement.....

1. Whereas Sri..... son of..... resident of..... who was confined to this settlement, under orders..... of District Magistrate for a period of..... year..... month..... days, has completed the term of his confinement in the settlement, or the said person has been ordered to be released from the settlement with effect from..... vide the District Magistrate's order..... he is hereby released from this settlement, this day, the..... of.....

2. Sri..... has acquired proficiency in..... which he learnt in settlement.

Manager.