

Rules Framed Under Section 16 of the Restriction On Habitual Offenders (Punjab) Act, 1918

PUNJAB

India

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Rule

RULES-FRAMED-UNDER-SECTION-16-OF-THE-RESTRICTION-ON-HABITUAL-OFFENDERS (PUNJAB) ACT, 1918

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Rules Framed Under Section 16 of the Restriction On Habitual Offenders (Punjab) Act, 1918 Published vide Punjab Government Notification No. 9853, dated 29th April, 1918. Punjab Government Notification No. 9853, dated 29th April, 1918. - In exercise of the powers conferred by section 16 of the Restriction of Habitual Offenders (Punjab) Act, 1918, the Lieutenant Governor is pleased to make the following rules :-

1. Definitions.

- In these rules the expression "Court" includes "Magistrate."

2. Areas of restriction.

- The areas to which persons may be restricted by an order under the Act shall ordinarily be -(a) if a person resides in a village - the area of the village to which may be added at the discretion of the Court, the areas of any contiguous villages in which the said person owns or occupies any immovable property or practises any trade or calling; (b) if the person resides in a town - the area of the town. But in special cases the Court may fix a larger area. Exceptions. - (i) Unless the person restricted is an owner of land or an occupancy tenant the Court may, if it is of opinion that the restriction to the aforesaid areas is inexpedient, select any other village or town, as the case may be, in the district within which the person ordinarily resides. (ii) If the person restricted has been twice convicted of offences under Chapter XVII of the Indian Penal Code, and is not an owner of land or occupancy tenant the area of restriction may be any settlement established under section 16 of the

Criminal Tribes Act, 1911, but the Court must obtain the concurrence of the Deputy Commissioner for Criminal Tribes before restricting any person to such settlement.

3. Absence without leave passes.

- No person restricted by an order of restriction under this Act shall leave or be absent from the area of restriction without having obtained a pass in accordance with these rules and except in accordance with the terms of such pass. Proviso. - Nothing contained in this rule shall be deemed to render it illegal for any restricted person to leave the limits of the area of restriction whenever necessary for the purpose of appearing at the Police Station or before the nearest Magistrate to complain of an offence affecting himself or his family, or to present an appeal or petition of revision against the order of restriction, or to obtain a pass under these rules, provided that he gives due notice of his intended departure to the headman of his village or town or to the officer-in-charge of the settlement, proceeds straight to the Police Station or Court or the Magistrate and returns without unnecessary delay.

4. Time of report

. - The times at which a person is required by an order of restriction to report himself shall be such times at intervals of not less than 24 hours and not more than 7 days as the Court may fix but such times shall not be more frequent than the Court thinks strictly necessary in each case. The place of report shall be the house of the Headman or the Zaildar or other officer, who in exceptional cases for reasons to be recorded in writing may be a Police officer not below the rank of an officer in charge of a police station, as the Court may direct : Provided that no person shall be required, to report himself at a place situated more than three miles from the place where he ordinarily resides. Mode of report. - Every person required to report himself by an order of restriction under this Act shall do so by attending in person and announcing his presence, unless physically incapacitated from doing so.

5. Leave for one day.

- A person restricted to any area by an order of restriction under this Act may be granted a pass in Form A appended to these rules authorising him to leave the said area for one day, between sunrise and sunset. (a) If he is restricted to any village or group of contiguous villages or larger area - by any headman of the village in which he ordinarily resides. (b) If he is restricted to a town, by such officer as may be specified by the District Magistrate; (c) If he is restricted to a settlement by the officer in charge of the settlement.

6. Leave not exceeding 15 days.

- The officer in charge of the Police station or settlement within the limits of which any person is restricted by an order of restriction under the Act, may on due cause being shown grant such person leave of absence for a period not exceeding fifteen days and may issue a pass to him.

7. Long leave.

- The District Magistrate of the district in which any person is restricted by an order of restriction under this Act, or any person duly authorized by the District Magistrate in writing in this behalf may on due cause being shown, grant such person any leave of absence which he may deem reasonable and may issue a pass to him.

8. Conditions attaching to absence on leave.

- Any person granted leave of absence under Rule 16 or Rule 7 shall travel to his destination and return to his residence by the route specified in the pass. He shall have the time and date of arrival endorsed on the pass by the headman of the village of destination, and within three days of his arrival he shall report himself at the Police Station within the limits of which his destination is situated, and shall present his pass for endorsement.

9. Reports while on leave.

- During such time as any person restricted to any area by an order of restriction under this Act is absent from the area of restriction he shall report himself once in every three days to the head-man of the village in which he may happen to be, and once in every fifteen days he shall, unless exempted by the District Magistrate, report himself to, and present his pass for endorsement by the officer in charge of the Police station.

10. Surrender of passes.

- On his return to his residence he shall deliver the pass up to the authority from whom he received it. All passes so returned shall be sent for record to the police station within whose limits the person is restricted.

11. Form of passes.

- Passes issued under Rule 6 or Rule 7 shall be printed and filled in Urdu in Form B appended to these rules. They shall be drawn up in triplicate and each part shall be signed or sealed by the authority granting the pass. One part shall be retained by such authority granting the pass, the second shall be given to the person granted leave, and third part 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.

12. Person on leave unable to return.

- If any person who has been granted a pass under these rules is from any unavoidable cause prevented from returning to his residence within the period of his leave, he shall at once give information to the nearest Police station. The officer in charge of the Police station shall verify the information and shall send a report to the authority which issued the pass.

13. Withdrawal of passes.

- Any pass granted under these rules may at any time be withdrawn by the authority which granted it, or by the District Magistrate or any officer any authorized by him in writing in this behalf.