

Rajasthan Habitual Offenders Act, 1953

RAJASTHAN

India

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Act 9 of 1953

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Rajasthan Habitual Offenders Act, 1953(Act No. 9 of 1953)RJ94Received the assent of the President on the 23rd day of March, 1953An Act to provide for the surveillance and control of habitual offenders in the State of Rajasthan.Whereas it is expedient to provide for the surveillance and control of habitual offenders in the State of Rajasthan;Be it enacted by the Rajasthan State Legislature as follows-

1. Short title, extent and commencement

(1)This Act may be called the . Rajasthan Habitual Offenders, Act, 1953.(2)[It extends to the whole of the State of Rajasthan.] [This Act extend to the whole of state of the Rajasthan Including Abu, Ajmer & Sunel area, (w.e.f. 1-9-1957) (Substituted by Act 27 of 1957).](3)It shall come into force at once.

2. Interpretation

(1)In this Act, unless the subject or context requires otherwise,-(a)['habitual offender' means a person who, during any continuous period of five years, whether before or after the 15th day of September, 1952 or partly before and partly after the said day, has been sentenced on conviction on not less than three occasion since he attained the age of eighteen years to a substantive term of imprisonment for any one or more of the scheduled offences committed on different occasions and not so connected together as to form parts of the same transaction, such sentence not having been reversed in appeal or revision; [Substituted by Act 30 of 1958 (Published in Rajasthan Gazette Extraordinary Part 4-A dated 26-7-1958)]Provided that in computing the continuous period of five years referred to above any period spent in jail either under a sentence of imprisonment or under detention shall not be taken into account;'](b)'prescribed' shall mean prescribed by or under this Act.(c)['corrective settlement' means any place established, approved or certified as a corrective settlement under section 7;] [Inserted by Act 30 of 1958 (Published in Rajasthan Gazette Extraordinary Part 4 A dated 26-7-1958)](d)'registered offender' means a habitual offender

registered or re-registered under this Act;(e)'scheduled offence' means an offence specified in the schedule or an offence analogous thereto.(2)[---] [Omitted by 27 of 1957 (Published in Rajasthan Gazette Extraordinary Part 4 A dated 13-8-1957)]

3. Register of Habitual offenderS

(1)There shall be prepared, kept and maintained in the prescribed manner, a register of habitual offenders within each district hereafter, in this Act, referred to as the register.(2)[---] [Omitted by 30 of 1959 (Published in Rajasthan Gazette Extraordinary part. IV A dated 26-7-1958)](3)[For the purpose of sub-section (1), the District Magistrate or any officer appointed by him in this behalf shall, by notice in the prescribed form to be served in the prescribed manner, call upon every habitual offender in the district-(a)to appear before him at the time and place therein specified;(b)to furnish such information as may be necessary to enable him to enter the name and other prescribed particulars of such habitual offender in the register; and(c)to allow his finger and palm impressions, foot-prints and photograph to be taken.](4)No person shall be registered as a habitual offender unless he has been given a reasonable opportunity to show cause against such registration.(5)The register, when finally prepared shall be placed in the keeping of the Superintendent of Police of the district who shall from time to time report to the District Magistrate any alterations which ought in his opinion to be made therein either by way of addition or erasure.(6)After the register has been placed in the keeping of the Superintendent of Police, no person's name shall be added to the register, and no registration shall be cancelled except by or under an order in writing of the District Magistrate.(7)[---] [Omitted by Act 30 of 1958 (Published in Rajasthan Gazette Extraordinary Part 4 A dated 26-7-1958)]

4. [Power to take finger and palm impressions etc. - The District Magistrate or any officer appointed by him in this behalf may at any time order the finger and palm impressions, foot-prints and photograph of any registered offender to be taken] [Substituted by ibid.].

5. [Registered offenders to notify residence and to report themselves.

(1)Every registered offender shall notify to such authority and in such manner as may be prescribed any change or intended change of his ordinary residence:Provided that where such offender changes or intends to change his ordinary residence to another district (whether within the State or not) he shall notify the change or intended change to the District Magistrate.(2)The District Magistrate may, by order in writing, direct that any registered offender, shall-(a)report himself once in each month or, where the District Magistrate for sufficient reasons specified in the order so directs, more frequently to such authority and in such manner as may be specified in the order; and(b)notify and absence or intended absence from his ordinary residence to the aforesaid authority:Provided that the District Magistrate may exempt any such offender from notifying any absence or intended absence from his ordinary residence or such period and under such conditions as to him may appear reasonable.)

5A. Procedure to be observed upon change of residence. - Where any registered offender changes his ordinary residence to another district within the State, the District Magistrate of the district in which the offender is registered shall inform the District Magistrate of the other district about such change and at the same time furnish him with the name and other particulars of the registered offender.] [Inserted by Act 30 of 1958]

(2) On the receipt of such information to District Magistrate of the other district shall enter in his register the name and other particulars of the registered offender and inform the District Magistrate of the first district about such registration and thereupon such District Magistrate shall cancel from his register the entry relating to that offender. (3) Where a registered offender changes his ordinary residence to another district outside the State, the District magistrate of the first district shall, while furnishing the District Magistrate of the other district with the name and other particulars of the registered offender, make a request to that District Magistrate that he may be informed of the steps, if any, which may have been taken in relation to the offender under any law for the time being in force in that other district and, upon the receipt of such information, the District Magistrate of the first district shall cancel from his register the entry relating to that offender. (4) Upon the entry of the name and other particulars of a registered offender under sub-section (2) the provisions of this Act and rules made there under shall apply to him as if he has been registered in the register of the district to which he has changed his ordinary residence.

5B. Duration of registration and re-registration of habitual offenders.

(1) The registration of a habitual offender this Act shall, unless earlier cancelled, cease to be in force on the expiry of five years from the date of such-registration and on such cancellation or expiry the habitual offender shall cease to be a registered offender. (2) Notwithstanding the cancellation or expiry of duration of registration a habitual offender may be re-registered in accordance with the provision of this Act relating to registration as often as he is convicted of one or more of the scheduled offences at any time after such cancellation or expiry and the re-registration shall, unless earlier cancelled, cease to be in force on the expiry of five years from the date of such re-registration. (3) Notwithstanding anything contained in sub-section (1) and (2) where a registered offender is, during the period of registration or re-registration, convicted of one or more of the scheduled offences and sentenced to a substantive term of imprisonment, the duration of registration or re-registration shall be extended for a period of five years from the date of his release from such imprisonment.

5C. Representation against registration etc.

(1) Any person deeming himself aggrieved by the registration or re-registration of his name under section 3 or, as the case may be, section 5B or by any order made under sub-section (2) of section 5 may within sixty days from the date of such registration, re-registration or order make a representation to the State Government against the same. (2) The State Government shall, after considering the representation and giving the aggrieved person an opportunity of being heard,

either confirm or cancel the registration, re-registration or order, as the case may be, and shall, in the case of confirmation, record a brief statement of the reasons therefor.

6. [Power to restrict movements of registered offenders. - (1) If in the opinion of the State Government, it is necessary or expedient in the interest of the general public so to do, the State Government may, by order direct that any registered offender shall be restricted in his movements to such area and for such period not exceeding three years as may be specified in the order.] [Substituted by Act 30 of 1958 (Published in Rajasthan Gazette Extraordinary Part 4 A dated 26-7-1958)]

(2) Before making any such order the State Government shall take into consideration the following matters, namely-(a) the nature of the offences of which the registered offender has been convicted and the circumstances in which the offences were committed; (b) whether the registered offender follows any lawful occupation and whether such occupation is conducive to honest and settled way of life and is not merely a pretence for the purpose of facilitating commission of offences; (c) the suitability of the area to which his movements are to be restricted; and (d) the manner in which the registered offender may earn his livelihood within that area and the adequacy of arrangements which are, or are likely to be, available therefor. (3) A copy of the order shall be served on the registered offender in the prescribed manner. (4) The State Government may, by order, cancel any order made under sub-section (1) or alter any area specified in an order under that sub-section: Provided that before making such order the State Government shall consider the matters referred to in sub-section (2) in so far as they may be applicable.

7. [Corrective settlements.] [Substituted by Act 30 of 1958 (Published in Rajasthan Gazette Extraordinary Part 4 A dated 26-7-1958)] - (1) The State Government may, by notification in the Official Gazette, establish and maintain in the State as many corrective settlements as it thinks fit for the purpose of placing therein such offenders as are directed to receive corrective training under this Act.

(2) The State Government may also approve or certify any privately managed institution (whether known as settlement or otherwise) as a corrective settlement for the purposes of this Act. Where the State Government is satisfied from the report of the District Magistrate or otherwise that it is expedient with a view to the reformation of a registered offender and the prevention of crime that the registered offender should receive training of a corrective character for a substantial time, the State Government may, by an order in writing, direct that the registered offender shall receive training of a corrective character for such period not exceeding the duration of his registration or re-registration as may be specified in the order. (4) Where a habitual offender who is not more than forty years of age, -(a) is convicted of an offence punishable with imprisonment, or (b) is required, in pursuance of section 110 of the Code of Criminal Procedure, 1898 [Central Act 5 of 1898] [Now see the section of Code of Criminal Procedure 1973 (2 of 1974)] to execute a bond for his good

behaviour, and the court or Magistrate is satisfied from the evidence in the case and other materials on record that it is expedient with a view to his reformation and prevention of crime that he should receive training of a corrective character for a substantial time, the court or the Magistrate may, in lieu of sentencing him for such offence or, as the case may be, requiring him to execute such bond, direct that he shall receive corrective training for such term of not more than five years as the Court or the Magistrate may determine. (5) Before giving any direction under sub-section (3) or sub-section (4) the State Government or the Court or the Magistrate, as the case may be, shall—(a) take into consideration the physical and mental condition of the offender and his suitability for receiving corrective training in a corrective settlement, and (b) give a reasonable opportunity to the offender to show cause why such direction should not be made. (6) An offender, in respect of whom a direction to receive corrective training has been made, shall be placed in a corrective settlements for the term of his training and, while in such settlement, shall be treated in such manner as may be prescribed. (7) The State Government or any officer authorised by it in this behalf may at any time by order in writing direct any offender who may be in a corrective settlement to be transferred to another corrective settlement.

8. Power to make rules.

(1) The State Government may [be notification in the official Gazette] [Inserted by act 30 of 1958 (Published in Rajasthan Gazette Extraordinary Part 4 A dated 26-7-1958)] make rules to carry out the purposes and objects of this Act. (2) In particular and without prejudice to the generality of the foregoing power such rules may provide for or regulate—(a) [the form of the register of habitual offenders and the particulars to be entered therein and the form and manner of service of a notice under section 3;] [Substituted by *ibid.*] (3) [the authority to whom and the manner in which any change or intended change of ordinary residence shall be notified under sub-section (1) of section 5;] [Substituted by *ibid.*] (c) the nature of the restrictions to be observed by [Registered] [Substituted by *ibid.*] offenders whose movements have been restricted; [----] [Omitted by *ibid.*] (d) the circumstances in which [Registered] [Substituted by *ibid.*] offenders shall be required to possess and produce for inspection certificates of identity and the manner in which such certificate shall be granted; (e) the conditions [---] [Omitted by *ibid.*] under which [offenders] [Substituted by *ibid.*] may be permitted to leave the [corrective settlement] [Substituted by *ibid.*] in which they are [placed] [Substituted by *ibid.*] or the area to which their movements are restricted. (f) [---] [Omitted by *ibid.*] (g) [---] [Omitted by *ibid.*] (h) [---] [Omitted by *ibid.*] (i) the terms upon which [---] [Omitted by *ibid.*] offenders may be discharged from [corrective] [Substituted by *ibid.*] settlements; (j) the management, control and supervision of [corrective] [Substituted by *ibid.*] settlement; (k) [the conditions for and the manner of approving or certifying privately managed settlements] [Substituted by *ibid.*]; (L) the discipline [and conduct of persons placed in a corrective settlement] [Substituted by *ibid.*], [---] [Omitted by *ibid.*] the periodical visitation [by official and non-official visitors] [Inserted by act 30 of 1958 (Published in Rajasthan Gazette Extraordinary Part 4 A dated 26-7-1958)] of such settlement and the removal from it of such persons, as it shall seem expedient to remove; [(11) the conditions and circumstances under which members of the family of a habitual offender may be permitted to stay with him in a corrective settlement] [Inserted by act 30 of 1958 (Published in Rajasthan Gazette Extraordinary Part 4 A dated 26-7-1958)]; (m) the periodical review of the cases of all persons [whose movements have been restricted or who are placed in a corrective

settlement under this Act] [Inserted by act 30 of 1958 (Published in Rajasthan Gazette Extraordinary Part 4 A dated 26-7-1958)];(i)[---] [Omitted by *ibid.*](ii)[---] [Omitted by *ibid.*](n)all matters which under this Act may be or have to be prescribed.(3)[In making rules under this Act, the State Government may provide that a contravention of any of the rules shall be punishable with fine which may extend to one hundred rupees.(4)All rules made under this Act shall, as soon as may be after they are made, be laid before the State Legislature.] [Inserted by act 30 of 1958 (Published in Rajasthan Gazette Extraordinary Part 4 A dated 26-7-1958)]

9. Penalties for failure to comply with notice under section 3

- Whoever, without lawful excuse, the burden of proving which shall lie upon him,(a)fails to appear in compliance with a notice issued under section 3, or(b)intentionally omits to furnish any information required under that section; or(c)when required to furnish such information, furnishes as true and information which he knows or has reason to believe to be false, [or does not believe to be true] [Inserted by *ibid.*] or(d)[refuses to allow his palm impressions, foot prints and photograph to be taken by any person acting under an order passed under section 4 or';] [Substituted by *ibid.*](e)[fails to comply with the provisions of sub-section (1) or with an order of the District Magistrate under sub-section (2) of section (5) or with an order of the State Government under section 6;] [Substituted by *ibid.*] may be arrested without warrant, and shall be punishable(i)[on first conviction, with imprisonment for a term which may extend to three months or with fine which may extend to two hundred rupees or with both, and [Substituted by *ibid.*](ii)on a second or subsequent conviction, with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both;Provided that, if the Court after taking into consideration the offender's age and physical and mental condition and his suitability for receiving training of a corrective character in a corrective settlement is satisfied that it is expedient with a view to his reformation and the prevention of crime that he should receive training of a corrective character for a substantial time, the Court may in lieu of sentencing the offender to any punishment under this section, direct, after giving him an opportunity of showing cause, that he shall receive corrective training in a corrective settlement for such term not exceeding three years, as it may determine.] [Substituted by *ibid* (Published in Rajasthan Gazette Extraordinary Part 4 A dated 26-7-1958)]

10. [--] [Omitted by *ibid.*]

11. [--] [Omitted by *ibid.*]

12. Punishment for habitual offenders found under suspicious circumstances

- Whoever, being a habitual offenders, is found in any place under such circumstances as to satisfy the Court,-(a)that he was about to commit, or aid in the commission of theft or robbery, or(b)that he was waiting for an opportunity to commit theft or robbery;shall be punishable with rigorous imprisonment for a term which may extend to three years and shall also be liable to fine which may extend to one thousand rupees.

13. Arrest of habitual offenders found beyond prescribed limit.

(1)Whoever being a habitual offenders,-(a)Is found [--] [Omitted by ibid.] beyond the area [---] [Omitted by ibid.] to which his movement have been restricted [----] [Omitted by ibid.] (in contravention of the conditions under which he is permitted to leave such area); or(b)escapes from [any corrective settlement in which he is placed] [Substituted by ibid.] may be arrested without warrant by any police officer, village headman or village watchman, and may be taken before a Magistrate, who on proof of the facts [may order] [Substituted by ibid.] him to be removed to such area [or to such corrective settlement] [Substituted by ibid.], as the case may be, there to be dealt with in accordance with this Act or any rules made thereunder.[---] [Omitted by Act 30 of 1958 (Published in Rajasthan Gazette Extraordinary Part 4 A dated 26-7-1958)]

14. [Bar of jurisdiction - [Substituted by ibid.]

No Court shall question the validity of any direction or order issued under this Act.]

15. [Bar of legal proceedings [Substituted by ibid.]

- No suit prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

16. Power to delegate.

- The State Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act except the power under Section 8 may also be exercised, subject to such conditions, if any, as may be specified in the notification, by such officer not below the rank of a District Magistrate, as may be specified therein'.]

Schedule

[Part I] [Inserted by ibid.] Chapter XIISections of the Indian Penal Code-

216. Harboursing offender who has escaped from custody or whose apprehension has been ordered.

216.

-A. Penalty for harbouring robbers or dacoit's.

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232. Counterfeiting Indian coin.

233. Making or selling instruments for counterfeiting coin.

234. Making or selling instruments for counterfeiting Indian coin.

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240. Delivery of Indian coin possessed with knowledge that it is counterfeit.

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243. Possession of Indian coin by person who knew it to be counterfeit when he became possessed thereof.

Chapter XVI

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307. Attempt to murder.

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311. [Being a Thung] [Inserted by ibid]

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325. Voluntarily causing grievous hurt.

326. Voluntarily causing grievous hurt by dangerous Weapons or means.

327. Voluntarily causing hurt to extort property or to constrain to an illegal act.

- 328. Causing hurt by means of poison, etc. with intent to commit an offence.**
- 329. Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act.**
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- 347. [Wrongful confinement to extort property or constrain to illegal act.**
- 365. Kidnapping or abducting with intent secretly and wrongfully to confine a person.] [Inserted by Act 30 of 1958 (Published in Rajasthan Gazette Extraordinary Part 4 A dated 26 7-1958)]**
- 366. Kidnapping, abducting or inducing woman to compel her marriage etc.**
- 366A. [Procuration of a minor girl.**
- 366B. Importation of a girl from foreign country.**
- 368. Wrongful concealing or keeping in confinement a kidnapped or abducted person.] [Inserted by Act 30 of 1958 (Published in Rajasthan Gazette Extraordinary Part 4 A dated 26 7-1958)]**
- 369. Kidnapping or abducting child under ten years with intent to steal from its person.**
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- 381. Theft by a clerk or servant of property in possession of master.**
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399. Making preparation to commit dacoity.

400. [Belonging to a gang of dacoits.

401. Belonging to a gang of thieves.] [Inserted by Act 30 of 1958 (Published in Rajasthan Gazette Extraordinary Part 4 A dated 26 7-1958)]

402. Assembling for purpose of committing dacoity.

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412. Dishonestly receiving property stolen in the commission of a dacoity.

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420. Cheating and dishonestly inducing delivery of property.

451. [House trespass in order to commit offence punishable with imprisonment.

452. House trespass after preparation for hurt, assault or wrongful restraint.

453. Lurking house trespass or house-breaking.

454. Lurking house trespass or house-breaking after preparation for hurt, assault or wrongful restraint.

456. Lurking house trespass or house-breaking by night.] [Inserted by Act 30 of 1958 (Published in Rajasthan Gazette Extraordinary Part 4 A dated 26 7-1958)]

457. Lurking house-trespass or house-breaking by night in order to commit offence punishable with imprisonment.

458. Lurking house-trespass or house-breaking by night after preparation for hurt, assault or wrongful restraint.

459. Grievous hurt caused whilst committing lurking house-trespass or house-breaking.

460. All person jointly concerned in lurking house trespass or house-breaking by night punishable where death or grievous hurt caused by one of them.

[Part II] [Inserted by Act 30 of 1958 (Published in Rajasthan Gazette Extraordinary Part 4 A dated 26 7-1958)] Offences under the Suppression of [Immoral Traffic in Women and Girls Act, 1956]
[Now see the Immoral traffic (Prevention) Act, 1956.]

4. Living on the earnings of prostitution.