

# The U.P. Control Of Goondas Rules, 1970

UTTAR PRADESH

India

## The U.P. Control Of Goondas Rules, 1970

### Rule THE-U-P-CONTROL-OF-GOONDAS-RULES-1970 of 1970

- Published on 9 September 1970
- Commenced on 9 September 1970
- [This is the version of this document from 9 September 1970.]
- [Note: The original publication document is not available and this content could not be verified.]

The U.P. Control Of Goondas Rules, 1970 Published vide U.P. Gazette, Extraordinary, dated 9th September, 1970, p. 7-13, vide Notification No. 4475-P/VIII-kha-I-655-P-70, dated 9th September, 1970

#### 1. Short title and commencement. -

(1) These rules may be called the Uttar Pradesh Control of Goondas Rules, 1970. (2) They shall come into force at once.

#### 2. Definition. -

In these Rules-(a) "the Code" means the Code of Criminal Procedure, 1898; (b) "the Ordinance" means the Uttar Pradesh Control of Goondas Ordinance, 1970, and reference to sections shall be construed as references to sections of the Ordinance; (c) "Schedule" means the Schedule to these rules, and references to Forms shall be construed as references to Forms set out in the Schedule.

#### 3.

(1) Action under sub-section (1) of Section 3 will not ordinarily be taken by the District Magistrate except on information in writing received from the Superintendent of Police of the District or Magistrate in charge of a sub-division or on information in writing received from two respectable citizens of the locality in which the person to be proceeded against is ordinarily resident or is active. It will not be necessary for the District Magistrate to disclose the identity of the informants and particulars from which such identity can be ascertained to the person proceeded against but only the general nature of the material allegations shall be intimated to such person. (2) Before initiating action on information received from a private individual the District Magistrate shall ordinarily cause secret inquiries to be made in order to ensure that the information given is not motivated by private grudge.

**4.**

The notice under sub-section (1) of Section 3 shall, as far as may be, conform to Form 1.

**5.**

The procedure laid down in Chapter VI of the Code for service of summons shall apply, mutatis mutandis, to the service of notice to a person under sub-section (1) of Section 3 and to the service of any order passed under Section 3(3), Section 4, Section 5 or Section 6 and the references in that Chapter to "a Court" shall be construed as references to the District Magistrate or the Commissioner acting under the Ordinance.

**6.**

While making an order under sub-section (3) of Section 3, the District Magistrate may ordinarily require or direct the person affected by the order-(a)to notify his movements to the Officer incharge of the police station (whether in the same district or any other district within or outside Uttar Pradesh) nearest to his residence for the time being or to report himself to the said Officer at such time and place as may be directed by such officer but not more than once in a day;(b)to observe the prohibition or restriction about possession or use by him of any Lathi, fire-arm, sharp-edged weapon, any intoxicant, liquor, opium, Ganja, Charas or Bhang;(c)not to be present within a specified distance from any specific educational institution, religious place, Mela, Hat-Bazar, Cinema house or place of public entertainment such as public parks, restaurants and hotels, or around any public office on pay days;(d)in case the Goonda removes himself outside Uttar Pradesh also to inform the District Magistrate who made the order of his address at fortnightly intervals.Note. - The list is only illustrative, and the restrictions and prohibitions to be imposed in each case should be adapted to the circumstances of the case including the character and type of the Goonda and the nature of menace posed by him.

**7.**

(1)The Officer Incharge of the police station referred to in Rule 6 (if in Uttar Pradesh) shall send a fortnightly report to the District Magistrate who made the order and the Superintendent of Police of that district about the movements of the person to whom a direction has been issued under clause (b) of sub-section (3) of Section 3 and the action, if any, taken with regard to his movements.(2)Where the Goonda removes himself outside Uttar Pradesh the District Magistrate and the Superintendent of Police shall make a request to their respective counterparts of the district to which he has so removed himself to instruct the office incharge of the police station concerned to make a like report.

**8.**

The District Magistrate may make an order under Section 4 in case of death, marriage or serious illness of a parent, wife, child, brother or sister of the person against whom an order has been made under clause (a) of sub-section (3) of Section 3 or for enabling him to appear before a Court or authority in obedience to its notice, summon or warrant, or for other compelling reasons.

**9.**

The District Magistrate, while making an order referred to in Rule 8, shall ordinarily lay down the following conditions, namely :-(i)that he shall maintain good behaviour during the period of the order;(ii)that he shall report his arrivals and departures from the city, town or village to the Officer Incharge of the police station, within whose area he is allowed to return.

**10.**

The following circumstances shall ordinarily be considered as sufficient to render the giving of an opportunity under Section 5 impracticable :-(i)where the person concerned fails to comply with any requirement under clause (a) or clause (d) of Rule 6; or(ii)if his whereabouts are not known.

**11.**

The District Magistrate may, while making an order of extension of the period specified in the order made under Section 3, take into consideration the following factors, namely :-(i)the conduct of the person concerned during the period of the enforcement of the order under Section 8;(ii)any fresh material that may be produced or brought to the notice of the District Magistrate.

**12.**

The person making representation under Section 5 shall have no right to be represented through counsel, but the District Magistrate in his discretion may entertain any representation through counsel or through any member of his family.

**13.**

An attested copy of an order made under Section 3, Section 4 or Section 5 shall be supplied to the person against whom it is made.

**14.**

A memorandum of appeal under Section 6 shall contain precise grounds of objections to the order appealed against and shall be accompanied by an attested copy of the said order.

**15.**

While making an order of stay under sub-section (3) of Section 6 the Commissioner shall ordinarily require the person concerned to execute a bond under Section 7 for securing that he shall conduct himself during the period of the operations of the said order peaceably and be of good behaviour.

**16.**

A bond securing the attendance of any person who has appeared before the District Magistrate in response to a notice or warrant of arrest and against whom an order is proposed to be made under Section 3 shall be in Form II.

**17.**

A bond securing the attendance of any person in whose favour the operation of an order under Section 3 has been stayed under Section 6 shall be in Form III.

**18.**

A bond referred to in clause (b) of sub-section (1) of Section 7 shall be in Form IV.

**19.**

A warrant of arrest referred to in clause (a) of sub-section (2) of Section 7 shall be in Form V.

**20.**

A bond securing the attendance of any person who has been brought before the District Magistrate in execution of the warrant of arrest issued against him under clause (a) of sub-section (2) of Section 7 shall be in Form VI.

**21.**

A warrant of commitment referred to in clause (b) of sub-section (2) of Section 7, of a person who is not already in prison shall be in Form VII.

**22.**

A warrant of commitment referred to in clause (b) of sub-section (2) of Section 7, of a person who is already in prison shall be in Form VIII.

## 23.

For the purposes of Section 8 the following circumstances may also be taken to have probative value :- (i) that the person concerned was acquitted of any offence punishable under all or any of the provisions mentioned in clause (b) of Section 2 merely on technical grounds or on benefit of doubt being given to him; (ii) that the person concerned has previously been bound down under Section 107, Section 108, Section 109 or Section 110 of the Code.

## 24.

The District Magistrate or the Commissioner may for the purpose of rescinding an order under Section 3 in exercise of his power under Section 9, take into consideration any of the following factors :- (i) that the person concerned has shown improvement in his behaviour (ii) that there is ground to believe that the original order of externment or restrictions was not necessary. (iii) that it would otherwise be in the public interest to rescind the same.

## 25.

The District Magistrate shall arrange to maintain such registers as he may be directed from time to time by the State Government.

## Schedule

FORM 1 Notice under Section 3 of the Uttar Pradesh Control of Goondas Ordinance, 1970 (See Rule 4) Whereas it appears to me on the basis of information laid before me that - (a) Sri.....son of Sri.....ordinarily residing in.....is a "goonda", that is to say, he either himself [or as a member or leader of a gang, habitually commits, or attempts to commit, or abets the commission of, offences punishable under Chapter XVI, Chapter XVII or Chapter XXII of the Indian Penal Code has been convicted under the suppression of Immoral Traffic in Women and Girls Act, 1956/has been convicted not less than thrice under the U.P. Excise Act, 1910/is generally reputed to be a person who is desperate and dangerous to the community; and that] [Delete whichever ingredient is not applicable.] (b) his movements or acts in.....are causing or are calculated to cause alarm, [danger or harm to persons or property/there are reasonable grounds for believing that he is engaged or about to engage in the district or any part thereof, in the commission of any offence punishable under Chapter XVI/Chapter XVII/or Chapter XXII of the Indian Penal Code, or under the Suppression of Immoral Traffic in Women and Girls Act, 1956, or under the U.P. Excise Act, 1910, or in the abetment of any such offence; and that] [Delete whichever ingredient is not applicable.] (c) witnesses are not willing to come forward to give evidence against him by reason of apprehension on their part as regards the safety of their person or property : And whereas the material allegations against him in respect of the aforesaid clauses (a)/(b)/(c) are of the following general nature :

1. ....

2. ....

3. ....

The said Sri.....is hereby called upon to appear before me on (date) at (time) in my Court-room and if he so desires, to tender an explanation in writing regarding the said material allegations showing cause why an order under sub-section (3) of Section 3 of Uttar Pradesh Control of Goondas Ordinance 1970, may not be made against him, also intimating me where he desires to examine himself or any other witness (if so, their names and addresses) in support of his explanation. The said Sri.....is hereby informed that if he fails to appear as aforesaid or if no explanation or intimation is received within the time specified it will be presumed that Sri.....has no desire to tender any explanation/examine any witness in regard to the said allegations and I will proceed to pass the proposed order. SEAL OF COURT. District Magistrate/Aadl. District Magistrate. FORM IIBond and Bail Bond after appearance before District Magistrate(See Rule 16)I (name).....of..... having appeared before the

Distict MagistrateAdditional District Magistrate| of.....

in response to a notice under sub-section (1) of Section 3 of the Uttar Pradesh Control of Goondas Ordinance, 1970, do hereby bind myself to attend before the said officer on the date of next, at the inquiry and to continue so to attend until otherwise directed by the said officer; and in case of my making default herein, I bind myself to forfeit to the Governor of Uttar Pradesh the sum of rupeesDated this day of 19(Signature)I do hereby declare myself surety for the above-named.....of.....that he shall attend before the

Distict MagistrateAdditional District Magistrate| on the.....

day of.....next, at the inquiry and shall continue so to attend until otherwise directed by the said officer, in case of his making default therein, I bind myself to forfeit to the Governor of Uttar Pradesh the sum of rupees.Dated this day of 19(Signature)FORM IIIBond and Bail Bond after appearance before the Commissioner(See Rule 17)I (name).....,having obtained from the Commissioner stay of the operation of the order made against me under sub-section (1) of Section 3 of the Uttar Pradesh Control of Goondas Ordinance, 1970, do hereby bind myself to attend before the said officer on the day of next, and to continue so to attend until otherwise directed by the said officer and, in case of my making default here, I bind myself to forfeit, to the Governor of Uttar Pradesh the sum of rupees.Dated this day of 19(Signature)I do hereby declare myself surety for the above named.....of that he shall attend before the Commissioner of on the.....,date of next and shall continue so to attend until otherwise directed by the said officer; and, in case of his making default therein, I bind myself to forfeit to the Governor of Uttar Pradesh the sum of rupeesDated this day of 19(Signature)FORM IVBond for the observance of certain things(See Rule 18)Whereas I, (name).....,inhabitant (of place) have been called upon to enter into a bond to secure due observance of direction/[requirement/ prohibition/ restriction/ condition specified in an order made against me under Section 3/Section 4/Section 5 /Section 6 of the Uttar Pradesh Control of Goondas Ordinance, 1970, for the term of (state the period), I hereby bind myself to observe the said

direction/requirement/ prohibition/restriction/ condition during the said term and, in case of my making default therein, bind myself to forfeit to the Governor of Uttar Pradesh the sum of rupees.] [Delete whichever ingredient is not applicable.]Dated this day of 19(Signature)(Where a bond with sureties is to be executed, add)We do hereby declare ourselves sureties for the abovenamed.....that he will observe the [said direction/requirement/prohibition /restriction/condition during the said term; and, in case of his making default therein, we bind ourselves, jointly and severally, to forfeit to the Governor of Uttar Pradesh the sum of rupees.] [Delete whichever ingredient is not applicable.]Dated this day of 19(Signature)FORM VWarrant of Arrest(See Rule 19)To (name and designation of the person or persons who is or are to execute the warrant).Whereas.....of.....is a person against whom a notice under sub-section (1) of Section 3 of the Uttar Pradesh Control of Goondas Ordinance, 1970, is being issued, you are hereby directed to arrest the said, and to produce him before me. Herein fail not.Dated this day of 19(Signature)(Seal)This warrant may be endorsed as follows :If the said.....shall give bail himself in the sum of.....with one surety in the sum of.....or two sureties each in the sum of.....to attend before me on, date of and to continue so to attend until otherwise directed by me, he may be released.Dated this day of 19(Signature)(seal)FORM VIBond and Bail Bond after Arrest under a Warrant(See Rule 20)I (name).....of.....having appeared before the Distict MagistrateAdditional District Magistrate| of..... under a warrant issued to compel my appearance to answer to the notice under sub-section (1) of Section 3 of the Uttar Pradesh Control of Goondas Ordinance, 1970, do hereby bind myself to attend before the said officer.....on.....the.....day of.....next, at the inquiry and to continue so to attend until otherwise directed by the said officer; and, in case of my making default herein, I bind myself to forfeit to the Governor of Uttar Pradesh the sum of rupeesDated this day of 19(Signature)I do hereby declare myself surety for the above-named.....of.....that he shall attend before the Distict MagistrateAdditional District Magistrate| on the..... ,day of.....next, at the inquiry, and shall continue so to attend until otherwise directed by the said officer; and, in case of his making default therein, I bind myself to forfeit to the Governor of Uttar Pradesh the sum of rupees.Dated this day of 19(Signature)FORM VIIWarrant of Commitment on Failure to Find Security(See Rule 21)To the Superintendent (or Keeper) of the jail at.....Whereas on consideration of the matters given in clauses (a), (b) and (c) of subsection (1) of Section 3 of the Uttar Pradesh Control of Goondas Ordinance, 1970, I am satisfied that the conditions specified in the aforesaid clauses for making an order under sub-section (3) of Section 3 against (name and description) exist:And whereas, an order has been recorded against him [directing him/requiring him to/prohibiting him to/restricting him/imposing the condition that.....and further requiring the said (name) to furnish security for the due observance of the said direction/requirement/prohibition/restriction/condition for the term of (state the period) by entering into a bond with one surety (or two or more sureties, as the case may be), himself for rupees.....,and the surety (or each of the said sureties) for rupees.....the said (name).....has failed to comply with the said order and for such default has rendered himself liable for commitment to prison for (state the term).....unless the said security be sooner furnished;] [Delete whichever ingredient is not applicable.]This is to authorise and require you, the said Superintendent (or Keeper) to receive the said (name).....into your custody, together with this warrant, and him safely to keep in the said jail for the said period of (term of imprisonment) unless he shall in the meantime be

lawfully ordered to be released and to return this warrant with an endorsement certifying the manner of its execution. Given under my hand and the seal of my office, this.....day of.....19.....(Signature)(Seal) FORM VIII Warrant of Commitment on Failure to Find Security (See Rule 22) To the Superintendent (or Keeper) of the jail at..... Whereas, on consideration of the matters given in clauses (a), (b) and (c) of sub-section (1) of Section 3 of the Uttar Pradesh Control of Goondas Ordinance, 1970, I am satisfied that the conditions for making an order under sub-section (3) of Section 3 against (name and description) exist: And whereas an order has been recorded against him [directing him/ requiring him to/ prohibiting him to...../ restricting...../ imposing the condition that.... and further requiring the said (name) to furnish security for the due observance of the said direction/ requirement/ prohibition/ restriction/ condition for the term of (state the period) by entering into a bond with one surety (or two or more sureties, as the case may be)] [Delete whichever ingredient is not applicable.], himself for rupees....., and the said surety (or each of the said sureties) for rupees....., and the said (name)....., has failed to comply with the said order and for such default has rendered himself liable for commitment to prison for (state term) unless the said security be sooner furnished; And whereas the said (name) is already in prison; This is to authorise and require you, the said Superintendent (or Keeper), to detain the said (name) into your custody, together with this warrant, and safely to keep him in the said jail for the said period of term of imprisonment) unless he shall in the meantime be lawfully ordered to be released and to return this warrant with an endorsement certifying the manner of its execution. Given under my hand and the seal of my office, this day of.....19.....(Signature)(Seal)