

## **ANDHRA PRADESH HABITUAL OFFENDERS RULES, 1965**

### CONTENTS

1. .
2. .
3. .
4. .
5. .
6. .
7. .
8. .
9. .
10. .
11. .
12. .
13. .
14. .
15. .
16. .
17. .
18. .
19. .
20. .
21. .
22. .
23. .
24. .
25. .
26. .
27. .
28. .
29. .
30. .
31. .
32. .
33. .
34. .
35. .
36. .
37. .
38. .
39. .
40. .
41. .

42. .

43. .

## **ANDHRA PRADESH HABITUAL OFFENDERS RULES, 1965**

In exercise of the powers conferred by sub section (1) of Section 22 of the Andhra Pradesh Habitual Offenders Act, 1962 (Andhra Pradesh ACT 4 of 1962), and in supersession of the Madras Restriction of Habitual Offenders Rules, 1949 the Governor of Andhra Pradesh hereby makes the following rules.

### **1. . :-**

These rules may be called the Andhra Pradesh Habitual Offenders Rules, 1965

### **2. . :-**

In these rules, unless the context otherwise requires.

(a) "Act" means the Andhra Pradesh Habitual Offenders Act, 1962;

(b) "Form" means a form annexed to these rules;

(c) "Registering authority" means the District Collector;

(d) "Section" means a section of the Act; and

(e) "Settler" means a registered offender who is placed in any corrective settlement, established, approved, or certified as a corrective settlement under Section 13.

### **3. . :-**

The Superintendent of Police, shall, from time to time, examine the case of individuals residing in the area within his jurisdiction, including those in jail who come under the definition of habitual offender and address the Registering authority in Form I, for registration of habitual offenders.

### **4. . :-**

On receipt of the report referred to in Rule 3, the Registering authority shall, if satisfied that there are reasonable grounds to regard the person concerned as a habitual offender within the meaning of Clause (e) of Section 2 of the Act afford such person a reasonable opportunity of showing cause in Form II why his name and other particulars should not be entered in the register of habitual offenders.

### **5. . :-**

Every habitual offender in respect of whom it is proposed to make

an entry in the register prescribed under Section 3 of the Act shall be issued a notice in Form II directing him to show cause why such an entry should not be made. After hearing the representations, if any, both oral and written, received on or before the date fixed in the show cause notice, the Registering authority may or may not decide to register the individual as an habitual offender under Section 3. In case it is decided to register the individual, he shall be issued another notice in Form III directing him to appear before the Registering authority or any other officer authorised by him in this behalf and furnish the particulars required under Section 4 of the Act.

**6. . :-**

(1)

(a) The notice in Form II or Form III shall be served personally in the manner provided in Section 69 of the Code of Criminal Procedure, 1898, for the service of summons, if the place of residence of the person on whom it is to be served is known.

(b) Where personal service of the notice is not possible, the notice shall be published

(i) by insertion in the local District Gazette;

(ii) by pasting a copy of such notice

(a) in a conspicuous place in the house or homestead or in the village or town in which it is known or believed that the person concerned was last residing or secreting himself;

(b) in every police station within the local limits of which may such village or town be situated; and

(iii) by the serving a copy of such notice on the headman of such village or town who shall thereupon cause it to be proclaimed in the village or town by beat of drum.

(c) In the case of those in jail, it shall be served through the Superintendent of the Jail.

(2) When the person on whom the notice in forms II and III referred to in Rules 4 and 5, are served he shall be given not less than fifteen days time either (a) to show cause against the action proposed or (b) to appear in person for registration as required in Rule 5.

(3) When the person on whom the notices referred to in Rules 4 and 5 have been served, is in jail, the Superintendent of the Jail shall upon receipt of a requisition in Form III A, arrange for the appearance of the person before the registering authority to show cause or to file a written statement showing cause against the action proposed or for registration in the manner provided in the Prisons (Attendance in Court) Act, 1955 (XXXII of 1955), as if such person were required to give evidence before the officer;

Provided that, when Form III A is issued by the Registering authority whose status is below that of a First Class Magistrate, the Form has to be countersigned by the District Collector or the Commissioner of Police, as the case may be.

(4) If a person on whom a notice referred to in Rule 4 is served, fails to show cause by appearing in person or by pleader or by filing a written statement within the time specified in the notice, it shall be presumed that he has no representation to make against the action proposed.

## **7. . :-**

(1) Where a person on whom show cause notice has been served makes any representation within the time specified in such notice whether in person or by pleader or by filing a written statement and where within the time limit aforesaid no such representation has been made, after the expiry of such time limit, the Registering authority may, if he is satisfied that the person concerned is a habitual offender, issue an order in respect of such person in Form IV and enter his name and other particulars in the register of habitual offenders to be maintained in Form V for the purpose.

(2) The order of registration of a habitual offender under Section 4 of the Act shall be published in the Andhra Pradesh Gazette and the District Gazette. A copy of it shall also be served personally on the person concerned or where personal service is not possible, it shall be served in the manner prescribed in Rule 6 (1) (b).

(3) The register of habitual offenders in Form V shall be in a loose leaf book with a separate sheet for each registered offender. The acknowledgment of the Finger Print Bureau in Form X referred to in sub rule (1) of Rule 9 shall be filed in the corresponding sheet in Form V.

(4) The registered offenders of a district shall be assigned serial

numbers with the abbreviation of the name of the district concerned (as given in the Appendix) to denote the district of registration.

(5) If a registered offender changes his place or residence premanently to another district, the procedure laid down in Section 8 of the Act shall be followed. He shall be assigned a new number against which his name and other particulars are entered in the register of habitual offenders the district to which he has changed his residence, with the abbreviation of the name of the latter district. The Finger print Bureau shall be intimated in Form VI of the change of residence. A removal Slip in form VII shall be inserted in the register of habitual offenders of the original district with the acknowledgment of the Superintendent of Police of the district to which he has changed his residence, for the receipt of the personal sheet.

(6) Any person, deeming himself aggrieved by the registration or registration of his name under sub section (4) of Section 8 or Section 9 of the Act, may within two months from the date of service of such order, make a representation to the Government against such registration or re registration as the case may be.

#### **8. . :-**

(1) Immediately after the name of a person in the Andhra Pradesh Gazette as a registered offender, the Superintendent of Policy shall take steps to prepare a personal sheet for him, in duplicate, in Form VIII and record his finger prints in form IX. If the registered offender is in jail, his personal sheet may be prepared either prior to his release from jail or soon after his release.

(2) Every registered offender shall furnish correctly to the authority deputed for preparing his personal sheet such particulars as are required to fill up Form VIII and shall allow his person to be examined for the purpose of noting marks of identification and physical peculiarities and shall allow his finger prints to be taken in form IX and his left thumb impression in Form V and if he is an illiterate in form VIII also. In the case of refusal or resistance by the registered offender, it shall be proper to take the left thumb impression or the finger prints as the case may be and examine the body by the use of such force as may be necessary for the purpose.

#### **9. . :-**

(1) After the completion of Forms V, VIII and IX, the personal sheet (Form VIII) shall be maintained in the District Police Office (The District Crime Bureau) and the duplicate in the Police Station within the Jurisdiction of which the registered offender resides. the finger prints in Form IX shall be sent to the Finger Print Bureau which shall acknowledge its receipts in Form X.

(2) The Officer in charge of the Police Station shall maintain the personal sheet (Form VIII) upto date by posting the entries in the relevant column then and there. Extracts of important and useful entries shall be forwarded to the District Crime Bureau for entry in the copy of the personal sheet maintained in the District Police Office.

(3) All District Collectors shall submit to the Government before the 1st day of April every year a return in Form XIX, containing a list of persons in respect of whom action has been taken by them under Section 4 of the Act during the previous calendar year with the other particulars referred to in that Form.

**10. . :-**

(1) Every registered offender shall be supplied with a certificate of identify in Form XI to which shall be attached a copy of the rules and order he has to obey.

(2) An acknowledgment for the receipt of the certificate of identity with the left thumb impression of the recipient attested by the delivering officer shall be attached to the registered offender s personal sheet in the register.

(3) Every registered offender shall give his certificate of identity for examination or inspection when required by any Police Officer or Magistrate, or any other person authorised by the District collector in this behalf.

(4) Every registered offender shall report immediately at the nearest police station the loss of or damage to, his certificate of identity and the circumstances in which it was lost or damaged. On receipt of such report from a registered offender, the officer in charge of the police station shall prepare and issue a certificate of identity marked duplicate in Form XII, obtain the acknowledgment of the registered offender for the receipt of the duplicate and forward the acknowledgment for record with the personal sheet in the District Police Office. the officer in charge of Police stations shall

make such enquiries as are practicable about the loss and report the fact to the Superintendent of Police.

(5) If a registered offender is arrested or convicted, the certificate of identity shall be treated as his personal property and dealt with accordingly.

(6) Every registered offender who has been furnished with a certificate of identity shall carefully preserve it and produce the same before the officer in charge of the Police station or the village headman, whenever required for recording his movements.

**11. . :-**

(1) The place of residence furnished by a registered offender at the time of preparing the personal sheet shall be taken as the place of his residence for the purpose of these rules.

(2) Each village headman shall maintain a list of registered offenders residing within his limits. The list shall be open to inspection, check and correction by any police officer not below the rank of a Sub Inspector when he visits the village. It shall be the duty of the officer in charge of the police station to see that the list is maintained correctly and up to date.

**12. . :-**

(1) Any registered offender who intends to leave permanently or temporarily, the village in which he is residing shall before his departure, intimate to the headman of such village,

(a) the date on which he intends to start;

(b) the village and the house into which he is changing his residence or to which he is going;

(c) the route by which he intends to proceed;

(d) the time he will take in going to his destination; and

(e) in case he is leaving temporarily, the village in which he is residing, the probable period of his absence therefrom, and the route and the time he will take for the return journey and shall obtain from the head man a certificate in Form XIII.

(2) A registered offender who has obtained a certificate under sub rule (1) shall not without good and sufficient cause

(a) deviate from the route or exceed the time specified in such certificate whether in going to his destination or in returning therefrom; or

(b) be absent for a longer period than that specified in such certificate.

(3) In every village in which the registered offender spends during, the journey either in going to his destination or in returning therefrom, any night or part of a night, he shall report in person to the headman of each village his arrival at, and departure from the village and shall obtain the signautre of the headman in the certificate in Form XIII.

(4) Immediately on arrival at the village of destination the registered offender shall report himself in person to the headman thereof and shall

(a) in case he is to stay there temporarily, show the headman the certificate in Form XIII and obtain his signature thereon; and

(b) in case he is to stay there permanently, give up the certificate to the village headman;

(c) in cases falling under clause (a) the registered offender, shall before leaving the village where he is temporarily residing inform the headman of the date on which he proposes to leave the village return the journey.

(5) If the registered offender has temporarily left the village in which he is residing, he shall immediately on his return to such village after completing his journey, report himself in person to the village headman and give up to him the certificate in form XIII.

**13. . :-**

Any registered offender, who intends to leave the house in which he is residing during night between 10p.m. and 5 a.m. on any day to go to any other place within the same village, shall before his departure intimate to the headman of the village

(a) the date and time at which he intends to leave the house and return thereto; and

(b) the place or premises to which he is going.

**14. . :-**

Every registered offender who obtains a certificate in Form XIII,



shall, before reaching his destination, if such place happens to be outside the state of Andhra Pradesh, report in person at the nearest police station of the State of Andhra Pradesh and obtain the signature of the Station House Officer in Form XIII. Similarly, when such person re-enters the State of Andhra Pradesh he shall report in person to the officer in charge of the nearest police station in the State of Andhra Pradesh and shall obtain his signature in Form XIII.

**15. . :-**

If any registered offenders required to give notice under Rule 12, is prevented by illness or other sufficient cause from doing so in person he shall, inform the headman of the village in whose limits he happens to be, of the fact by a written or verbal message containing the particulars he is required by the rules to furnish.

**16. . :-**

A village headman or Station House Officer shall grant a certificate in Form XIII to a registered offender who asks for it.

**17. . :-**

(1) When a village headman receives information that a registered offender intends to leave the village temporarily or permanently, he shall forthwith give information the fact of in Form XIII to the officer in charge of the police station within the limits of which the village is situate giving the date on which the registered offender intends to depart.

(2) When a village headman receives information that a registered offender of another village has spent a night or part of a night in his village without a certificate in Form XIII, he shall promptly inform the Station House Officer having jurisdiction over his village, setting out in brief the source and substance of such information.

(3) On receipt of a report from the village headman under sub rule (1) or (2) the Station House Officer shall make or cause to be made such enquiries as he may consider necessary about the registered offender.

**18. . :-**

(1) In places where there are police stations or outposts the reports to be made under the preceding rules to the village headman shall

be made to the officer in charge of such police station or outpost.

(2) In any particular area, the District Collector may, by a notification in the District Gazette, appoint or nominate any person to receive the reports and to perform the duties under these rules in place of the village headman.

**19. . :-**

Every registered offender required to intimate his place of residence under Section 7, if undergoing imprisonment in a jail either at the time of such intimation or subsequent to it, shall immediately after release, intimate to the officer in charge of the police station within the limits of which the jail is situated, his permanent place of residence and shall obtain from such officer a certificate in Form XIII.

**20. . :-**

(1) Any magistrate other than a village magistrate or any public officer not below the rank of a Sub Inspector may, at any time, inspect the residence of a registered offender.

(2) Any police officer or village headman shall be competent to pay domiciliary visits within his jurisdiction to any registered offender with a view to verify the presence of such registered offender and it shall be duty of such registered offender to appear before such officer.

**21. . :-**

(1) Any registered offender may be exempted by the District collector from the obligations imposed by Section 7 either conditionally or unconditionally. Such exemption may be varied or cancelled. The order or cancellation shall take effect from the date of communication of the order to the registered offender.

(2) If a registered offender is old, sick or infirm or is otherwise incapacitated from committing crime and if he has continued to be of satisfactory conduct for a period of three years after his last release from jail, the District Collector may exempt a registered offender from notifying change of residence and to report himself as ordered under Section 7 or to cancel his registration made under Section 4, on a report from the Superintendent of Police and such exemption or cancellation shall take effect from the date of its publication in the Andhra Pradesh Gazette.

(3) If a registered offender who has been exempted from the obligation of the provisions of Section 7 by the District Collector, reverts to crime, or is suspected to aid or abet the commission of a cognizable offence, the Superintendent of Police may request the District Collector to re impose the obligations on such registered offender.

**22. . :-**

If the Superintendent of Police considers that the movements of a registered offender should be restricted to any particular area, he shall submit proposals to the District Collector in Form XIV. On receipt of such proposals, the District Collector shall issue a notice in duplicate to the registered offender in Form XV requiring him to show cause within 15 days against the proposed restriction of his movements. If, on receipt of representation, if any, the District Collector is satisfied that the movements of the registered offender should be restricted to any particular area, he shall submit definite proposals to Government forwarding at the same time copies of the representations if any, received from the registered offender.

**23. . :-**

A copy of the order under rule 22 shall be served on the registered offender in the manner prescribed in Rule 6.

**24. . :-**

(1)

(a) Every registered offender whose movements have been restricted under Section 11 shall not leave or ordinarily be permitted to leave such area.

(b) If the District Collector, after consulting the Superintendent of Police, considers it expedient so to do, he may issue a permit to a registered offender whose movements have been restricted, in Form XVII. The permit may specify any special conditions to be observed by the registered offender.

(c) A registered offender to whom a permit in Form XVIII has been issued shall make use of it in the manner provided for the use of a certificate in Form XIII. The registered offender shall surrender the permit in person immediately after his return to the restricted area.

(2) An entry should be made in the personal sheet and the certificate of identity of a registered offender whose movements

have been restricted, specifying the area within which his movements have been restricted.

(3) The Superintendent of Police shall maintain a separate register in Form XVIII of registered offenders whose movements have been restricted.

**25. . :-**

(1) the Superintendent of Police may, if he considers that the restrictions imposed on a registered offender under Section 11 may be removed, request the Government through the District Collector, to do so.

(2) If the Superintendent of Police considers that the area to which the movements of a registered offender should be restricted should be altered, he shall request the Government through the District Collector to alter any area specified in the order.

(3) If the Superintendent of Police considers that the movements of a registered offender should be restricted to an area in any other district different from the area to which his movements have been restricted under Section 11, he shall request the Government through the District Collector of the District where he is then restricted to order such alteration.

**26. . :-**

(1) No registered offender shall leave the corrective settlement in which he has been placed, unless he has been granted a pass under this rule, and he shall obey the conditions specified in the pass. Any pass granted under this rule may at any time be withdrawn by the authority granting it.

(2) The manager of the Corrective Settlement may grant to any registered offender leave of absence from the settlement for a period not exceeding 15 days to visit a close relative who is dangerously ill, on the death of close relative or a calamity, or in connection with the marriage of a close relative, or for any other purpose for which the Manager of the Corrective Settlement considers is essential that the registered offender may be granted leave of absence. Leave of absence for any longer period may be granted by the Superintendent of Police on the recommendations of the Manager of the Corrective Settlement. Not more than ten per cent of the adult males shall be allowed to be absent from the

settlement on leave at any one time without the sanction of the Superintendent of Police. The District Collector may suspend, modify, or cancel any orders passed by the Superintendent of Police under this sub rule.

(3) On leave being granted to a person, he shall be furnished with a pass signed by the Manager of the Corrective Settlement in Form XX. Any person who goes beyond the settlement limits without a pass or who having received a pass

(a) remains outside the limits of the settlement for a longer period than specified therein, or

(b) goes beyond the limits of the place of destination mentioned therein, shall be liable for arrest and further action as provided in Section 18 of the Act.

(4) Registered offenders who have been placed in corrective Settlement and who have been allotted to take up regular daily employment outside the limits of the settlement, shall be given permanent passes specifying the hours of each day between which they are permitted to be absent from the settlement. A pass issued under this rule must be surrendered to the officer in charge of the settlement when the settler to whom it has been granted ceases to be employed on the work he has been permitted to undertake.

(5) The Manager of the Corrective Settlement shall report to the officer in charge of the Police Guard near the Settlement or to the officer in charge of the Police station or out post, the fact of the grant of leave to, or the absence without leave of any registered offender placed in the Settlement. Where possible, the grant of leave shall be notified at least three days before it is availed of. Absence without permission shall be notified as soon as it is known. The fact of the return to the Settlement of any person who has been previously reported as absent without leave, shall also be reported by the Manager of the Corrective settlement to the Police Officer aforesaid.

(6) Every pass granted under this rule shall be drawn up in English and in the language of the District in triplicate in Form XX. The original shall be kept by the Manager of the Corrective Settlement, the duplicate handed over to the person who is granted leave and the triplicate sent to the officer in charge of the police Station within the limits of which the place of destination of the person granted leave is situated.

(7) The route to be taken by the person granted leave on the journeys to and from his destination shall be specified in the pass and he shall travel by other route. In case he halts in a village overnight, he shall report himself at the police station if there is one, and if there is no police station, to the head man of the village; and the police officer or headman as the case may be shall affix his signature on the reverse of the pass, noting therein the approximate hours of arrival and departure. On arrival at his destination, he shall report himself at once to the village headman who shall forthwith report the arrival to the officer in charge of the Police station within the limits of which the village lies and he shall note this fact on the reverse of the pass. On return to the corrective settlement, the registered offender shall report himself immediately to the Manager of the Settlement and shall hand over the pass to him.

**27. . :-**

The Superintendent of Police of the district in which a corrective settlement is located may, after consultation with the Manager of the settlement, grant to any registered offender placed therein, who has given unmistakable evidence of good conduct and sustained industry for a sufficient period, a pass permitting him to reside outside the Corrective settlement but within the district, for the purpose of earning his livelihood. The issue of the pass is entirely discretionary with Superintendent of Police. If a registered offender wishes to reside in a district other than that in which the Corrective settlement is located, the Superintendent of Police of the district in which the registered offender wishes to reside may grant the pass; but before, doing so, he shall consult the Manager of the Corrective settlement and the Superintendent of Police of the district in which the settlement is situate. Such a pass shall not be granted until the Manager of the settlement either provides the registered offender with suitable employment or places him in circumstances which will enable him to earn an honest livelihood. All orders passed by any Superintendent of Police will be subject to revision by the District collector concerned. The District Collector may, without assigning reasons, revoke a pass so granted and require the registered offender to re enter the settlement. These passes which shall be in Form XXI shall be subject to the conditions specified therein and shall be liable to be revoked for a breach thereof.

**28. . :-**

If a registered offender who is suffering from leprosy desires to be sent to a leper asylum established under the Lepers Act, 1898, (Central Act 3 of 1988) or otherwise, the Superintendent of Police of the district where the registered offender resides or is settled for the time being, may grant him a pass in Form XXI for the purpose of enabling such registered offender to be sent and to reside in such asylum. Such a pass may contain a condition that the holder of the pass shall reside at the asylum for such time as may be specified in the pass or until further orders, and shall not leave the asylum without the sanction of such person as may be indicated in the pass. All orders passed by the Superintendent of Police shall be subject to revision by the District Collector concerned.

**29. . :-**

(1) The Officer authorised to order discharges from the Corrective settlement under Section 15 of the Act shall be the Government or the Director of Social Welfare, acting in consultation with the Managers of the Corrective settlements, the Superintendent of Police and the District Collectors concerned.

(2) The fitness for discharge on probation of every registered offender placed in a corrective settlement under Section 14 shall be examined, after he has resided in a Corrective settlement in the State, for a period of three years, and thereafter before the first of July of every year the Manager of the Corrective settlement in consultation with the Superintendent of Police having jurisdiction over the settlement. If during the period of his residence in the settlement a registered offender has been sentenced to imprisonment by a criminal court, the period of three years aforesaid shall be calculated from the date of such sentence or the last of such sentences, as the case may be. The Manager of the corrective settlement shall submit his report with the recommendation of the Superintendent of Police through the District Collector concerned to the Director of Social Welfare.

(3) No settler (registered offender ordered to receive corrective training) shall be discharged unless

(a) his conduct had been uniformly good and he had no disciplinary punishment for breach of the rules of the Corrective settlement, during the three years immediately preceding his discharge; and

(b) he will be able to maintain himself and his dependants by

honest means outside the settlement.

(4) The Director of Social Welfare may, in consultation with the Superintendent of Police and District Collector concerned, discharge a person from a corrective settlement within a short period than that prescribed in sub rule (2) or clause (a) of sub rule (3) for specific reasons.

(5)

(a) A registered offender discharged from a corrective settlement shall ordinarily be on probation for such period as may be determined by the Director of Social Welfare and he shall reside in such place, during the period of probation, as the Additional Inspector General of Police, in charge of Railways and C.I.D. may direct.

(b) The period of probation shall not ordinarily exceed two years, but this period may be extended by the Director of Social Welfare for sufficient reasons to be recorded.

(c) During the period of probation, a discharged settler shall continue to maintain good conduct and shall comply with such conditions as may be prescribed in the discharge licence in Form XXII issued to him.

(d) When a settler completes the period of his probation satisfactorily he shall be discharged finally from the Corrective settlement.

(e) Failure to comply with the conditions of discharge at the discretion of the Director of Social Welfare shall render the discharged settler liable to re commitment to a settlement.

**30. . :-**

The Officer authorised to order the transfer of any person from one Corrective settlement to another in the State be the Director of Social Welfare. Intimation of every such transfer shall be sent to the Superintendent of Police or Superintendents of Police concerned.

**31. . :-**

The working, management, control, and supervision of corrective settlements established under Section 13 of the Act shall be vested in Managers of the Corrective Settlements, who shall be appointed by Director of Social Welfare from among the members of the



Revenue Department who are nominated by the Collectors as suitable for such appointment, and by the Government in any other case. The Managers of the settlements shall be responsible for the management of the well being of the inmates.

**32. . :-**

(1) In every settlement a register shall be maintained in Form XXIII containing the names of all the registered offenders who have been placed in the settlement by an order Under Section 14, or transferred to the settlement by an order under Section 15. All changes in the register shall be notified by the Manager of the Corrective settlement to the Superintendent of Police or the Superintendents of Police concerned and to the officer in charge of the Police station or out post having jurisdiction. The names of settlers, who have been discharged or transferred from the Corrective settlement under Section 15 of the Act shall be removed from the register.

(3) In addition to the register referred to in sub rule (1) the following registers shall also be maintained in every corrective settlement:

- (i) Extract From the register of habitual offenders (Form V)
- (ii) Attendance Register (Form XXV)
- (iii) Register of leave and pass holders (Form XXIV)
- (vi) Register of Births (Form XXVI)
- (v) Register of deaths (Form XXVII)
- (vi) Register of habitual offenders absent without leave or out of view (Form XXVIII)
- (vii) Register of transfers from the Corrective settlement (Form XXIX)
- (viii) Register of punishments (Form XXX)
- (ix) Register of inspections and visits by officers.
- (x) List of visitors to the settlers (Form XXXI)

**33. . :-**

Every registered offender shall attend for verification of his presence before the Manager of the Corrective settlement or before

some person authorised by him in this behalf, at such place and at such intervals of time as the Manager of the settlement may direct, provided that the Manager may exempt any such registered offender from attendance either on a specified occasion or generally.

**34. . :-**

In the corrective settlement where agricultural or other industrial occupations are provided, the settlers shall carry out such work as may be allotted by the Manager of the corrective settlement. the terms of remuneration, the hours of work, the disposal of the produce, and the distribution of the land shall be decided by the Manager of the Corrective settlement, subject to the general or special orders of the Government.

**35. . :-**

Any settler who disobeys these rules or refuses to obey any reasonable order given by the Manager of the corrective settlement shall be subject to any one or more of the following penalties :

(a) a formal warning;

(b) additional or more arduous work at the discretion of the Manager of the Corrective settlement;

(c) reduced wages or loss of wages for work done;

(d) withholding or cancellation of leave;

(e) confinement in a lock up within the corrective settlement for a period not exceeding thirty days according to the nature of the offence, at the discretion of the Manager of the Corrective settlement; and

(f) fine.

(2) No prosecution under Section 17 of the Act shall be instituted by the Manager of the corrective settlement against any settler without the sanction of the District Collector.

(3) All orders of punishment under this rule shall be passed by the Manager of the corrective settlement and shall be liable to revision by the District Collector.

(4) The children of the registered offenders who are in corrective settlements may be punished for misbehaviour in accordance with

the usual methods of school discipline.

**36. . :-**

The Manager of the corrective settlement may, at his discretion, reward the settlers for good conduct. Such rewards shall include exemption from roll call, a liberal grant of passes, increased payment for work, promotion to positions of responsibility and allotment of lands for separate cultivations.

**37. . :-**

(1) Application for approval or certification of privately managed corrective settlements shall be made in Form XXXII to the Government.

(2) On receipt of an application referred to in sub rule (1), the Government shall before approving or certifying a privately managed settlement, cause full and complete investigation to be made through an officer or authority appointed in this behalf. The said officer or authority before reporting on the application to the Government shall record the statements of the applicant or applicants and the local Police Officers, Social Welfare Officers and respectable persons of the locality, as he may deem necessary. The Government, if satisfied that the applicant or applicants is or are fit person or persons to manage such settlements may approve or certify the establishment of such settlements by a licence in Form XXXIII, which shall remain in force for a period of three years.

(3) An application for the renewal of a licence shall be made in Form XXXIV at least thirty days before the date of its expiration. The licence may thereupon be renewed for a like period.

(4) No licence issued or renewed under this rule shall be transferable

(5) The licensee shall comply with all the conditions of the licence and the provisions of the Act and the rules in so far as they are applicable to the corrective settlements.

(6)

(a) Any licence issued under sub rule (2) may be revoked by the Government for reasons to be recorded in writing.

(b) When a licence is revoked, the Government may take over the management of the corrective settlement, for such period as they

consider necessary, or order its closure and transfer of the settlers therein to other corrective settlements.

**38. . :-**

The Government may appoint a Board of non official visitors to the Corrective Settlements. The Board may visit corrective settlements situated within the local area and comment and advise on matters affecting the administration of such corrective settlements. The members of the Board may be chosen from experienced social welfare workers, members of the prisoner s aid society, M.L.As., M.L.Cs., M.Ps., or members of the Zilla Parishad. They shall hold office for 2 years from the date of appointment and shall be eligible for reappointment.

(2) It shall be their duty.

(a) to enquire into and see that the arrangements in the corrective settlements are proper in all respects;

(b) to examine the admission and discharge or transfer registers and any other connected records;

(c) to see that no person is illegally kept in a corrective settlement;

(d) to bring any special cases or matters to the notice of the Director of Social Welfare;

(e) to interview settlers and to hear any representation that they may desire to make; and

(f) to carry out any other duties which may be assigned to them from time to time by the Government.

(3) the Manager of the Corrective settlement shall be advised by the remarks or comments of the non official visitors in the working, management and the like of the settlement, provided that if, in the opinion of the Manager, it would be inconsistent with the provisions of the Act and these rules or in expedient to give effect to any such remarks or comments, he shall submit the same for the orders of the Director of Social Welfare and intimate the non official visitors of the fact of his having done so. The order of the Director of Social Welfare shall be final. It shall however, be subject to review by the Government who may confirm, rescind, or modify such order.

(4) The Manager of a corrective settlement shall cause a visitors book to be maintained at his Office. A copy of the remarks of a

visitor recorded in the book shall be submitted by the Manager to the Director of Social Welfare soon after the remarks are recorded by the Visitor.

**39.** . :-

The wife and minor children and aged parents who are entirely dependent upon a registered offender, who is ordered to receive corrective training in a corrective settlement, may be allowed to stay with him, provided they are amenable to the discipline of the settlement. This is left to the discretion of the Manager of the Settlement, who may, at any time, without assigning reasons, expel any members of his family from the settlement, if, in his opinion, they are not amenable to discipline or their presence in the settlement is likely to retard the progress of other residents.

**40.** . :-

(1) The Superintendent of Police shall review all the cases of registered offenders whose movements have been restricted every half year and send up his recommendations to the District Collector in Form XXXV in duplicate for continuance of the orders restricting the movements or its cancellation or alteration. After considering the matters in sub section (2) of Section II, the District Collector shall return the original list with his orders against each registered offender. The duplicate shall be retained in his office.

(2) The Superintendent of Police may call for similar forms from his subordinate officers to base his remarks to be communicated to the District Collector.

(3) After the list with the District Collector's orders received, the Superintendent of Police will communicate extracts to the concerned subordinate officers for their guidance and necessary action.

(4) Copies of such extracts shall be filed in the personal sheets.

(5) For review of cases of registered offenders to receive corrective training in corrective settlements, the instructions contained in Rule 29 above shall be followed.

**41.** . :-

(1) The Corrective settlements and any residences therein or part thereof, may be inspected at any time by the Director of Social Welfare, District Collector or Revenue Divisional Officers, or the

Superintendent of Police, Deputy Superintendent of Police or Assistant Superintendent of Police or by any person empowered by any of these officers in writing.

(2) The Manager of a corrective settlement shall keep a book for recording notes of inspection by inspecting officers and shall forward a copy of any notes made therein to the Director of Social Welfare.

**42. . :-**

(1) The Director of Social Welfare, in consultation with the Manager of the corrective settlement, the Superintendents of Police and the District Collectors concerned, may admit in the settlements persons who want to be voluntary residents therein.

Provided that no person shall be admitted in the settlement under this rule, unless he is

(i) a discharged settler, or

(ii) a member of any of the Vimukthajathis (ex notified tribe) or

(iii) one whose services are required in the settlement for purposes of scavenging, washing and the like.

(2) Any such voluntary resident in respect of whom an order under section 16 of the Act has not been issued by the Government, may be expelled from the settlement by an order of the Director of Social Welfare, if he is satisfied that such resident is not amenable to discipline and that his presence in the settlement is likely to retard the progress of other residents.

**43. . :-**

Contravention of any of these rules shall be punishable with fine which may extend to one hundred rupees.