

KARNATAKA HABITUAL OFFENDERS RULES, 1969

CONTENTS

CHAPTER 1 :- Preliminary

1. Title
2. Definitions

CHAPTER 2 :- Registration of Habitual Offenders and Restrictions on their Movements

3. Register of Habitual Offender
4. Service of notice on habitual offenders
5. Procedure when the habitual offender is in jail
6. Registered offender to notify change of residence
7. Nature of restrictions to be observed by registered offender whose movements have been restricted
8. Period for making representation to State Government under Section 10
9. Service of order made under Section 11
10. Absence of registered offender
11. Failure of the Registered Offender to report
12. Pass for being absent from the limits of the area to which the movements have been restricted
13. Procedure for granting a pass
14. Restrictions on movement during period of leave
15. Withdrawal and Cancellation of Pass
16. Exemption
17. Grant of certificate of identity to registered offenders and inspection of such certificates
18. Issue of permanent pass

CHAPTER 3 :- Corrective training of Habitual Offenders

19. Management, control and supervision of corrective settlements
20. Supervision of settlements
21. Visit to the Settlements
22. Separate sections in corrective, settlements to be provided for
23. Settlers to be provided with employment
24. Subsistence to settlers
25. Apprenticeship employment and payment of subsidy to the settler
26. Earnings by a settler
27. Supply of clothings to Settlers
28. Settler not to leave the limits without pass

29. Settler to notify
30. Roll-call of settlers
31. Search of settlers
32. Domestic animals of Settlers
33. Duties of a settler
34. Penalty for breach of Rule 33
35. Superintendent to recover fine
36. Seizure of intoxicant found with a Settler
37. Arrest of Habitual Offender
38. Transfer of persons from one Corrective Settlement to another
39. Discharge of settler on licence
40. Conditions to be observed by a person discharged on licence
41. Powers of the Reclamation Officer which he may exercise or delegate
42. Powers of the Superintendent

CHAPTER 4 :- Visiting Committees

43. Constitution of the Visiting Committee
44. Duties of the members of the visiting committee
45. Proceeding of the visiting committee
46. Review of cases of all persons whose movements have been restricted

CHAPTER 5 :-Approving of Certifying Instructions as Corrective Settlements and their Management and Control

47. Procedure to certify as corrective settlement
48. Certified Corrective Settlement to have a Governing Body
49. Duties of the Reclamation Officer
50. Duties and Responsibilities of the Superintendent in charge of corrective settlement
51. Control of certified corrective settlement
52. Separate section in the certified corrective settlement
53. Visiting Committee for Certified Corrective Settlement
54. Penalties
55. Repeal and Savings

KARNATAKA HABITUAL OFFENDERS RULES, 1969

In exercise of the powers conferred by Section 21 of the Karnataka Habitual Offenders Act, 1961 (Karnataka Act 24 of 1961), the Government of Karnataka hereby makes the following rules, draft of which was published in Notification No. GSR 13 (HD 5 PRH 61), dated 8th January, 1968 in Part IV, Section 2-C(i) of the Karnataka Gazette, dated 18th January, 1968, namely.

CHAPTER 1 **Preliminary**

1. Title :-

These rules may be called the Karnataka Habitual Offenders Rules, 1969.

2. Definitions :-

In these rules, unless the context otherwise requires.

- (a) "Act" means the Karnataka Habitual Offenders Act, 1961 (Karnataka Act 24 of 1961);
- (b) "Form" means a form appended to these rules;
- (c) "Government" means the State Government;
- (d) "Order of restriction of Movement" means an order made under Section 11;
- (e) "Reclamation Officer" means the Officer appointed as such for the settlement;
- (f) "Restricted person" means a person in respect of whom an order of restriction has been made;
- (g) "Section" means a section of the Act;
- (h) "Settler" means a person ordered by Government or Court or District Magistrate under Section 14 ¹ [to receive] training of a corrective character and placed in a correction settlement.

1. Substituted for the words "of receive" by GSR 243, dated 22-7-1971, w.e.f. 12-8-1971.

CHAPTER 2

Registration of Habitual Offenders and Restrictions on their Movements

3. Register of Habitual Offender :-

- (1) For the purpose of Section 3, a register of habitual offenders shall be maintained in Form "A". The register shall be in loose leaf book with a separate sheet for each habitual offender.
- (2) Every registered offender of a district shall be assigned a serial number with the provisions of the name of the district concerned to denote the name of the district.

4. Service of notice on habitual offenders :-

- (1) Notice under Section 4 shall be in Form 'B'.

¹ [(2) The notice shall, if practicable, be served personally by delivering or tendering the duplicate of the notice to the habitual

offender.]

(3) Every habitual offender on whom a notice is so served shall if so required by the serving officer sign a receipt therefor on the back of the other duplicate.

(4) Where the habitual offender concerned cannot by the exercise of due diligence be found, a notice may be served by leaving one of the duplicates for him with some adult member of his family and the person with whom the notice is so left shall, if so required by the serving officer sign the receipt therefor on the back of the other duplicate.

(5) If service in the manner mentioned in sub-rules (1) to (4) cannot, by the exercise of due diligence be effected, the serving officer shall affix one of the duplicate of the notice to some conspicuous part of the house or homestead in which the habitual offender summoned ordinarily resides and thereupon the summons shall be deemed to have been duly served.

1. Sub-rule (2) substituted by GSR 243, dated 22-7-1971, w.e.f. 12-8-1971.

5. Procedure when the habitual offender is in jail :-

(1) When the habitual offender on whom the notice referred to in sub-rule (1) of Rule 3 is in jail, the Superintendent of the jail shall arrange for the appearance of such habitual offender before the authority specified in the notice.

(2) If the habitual offender on whom the notice referred to in sub-rule (1) is served, fails to show-cause why the entries should not be made in the register within the time specified in the notice, it shall be presumed that he has no objection to the entries being made.

6. Registered offender to notify change of residence :-

Every registered offender shall notify any change or intended change of his ordinary residence by reporting in person to the Officer-in-charge of a Police Station within whose jurisdiction he is residing and also to the Village Police Patel, if he is residing in a village. When making such report, he shall state the address of his intended new residence and the day on which he proposes to move to such residence.

7. Nature of restrictions to be observed by registered offender whose movements have been restricted :-

(1) Every registered offender in respect of whom an order of restriction of movement has been made, shall, unless

(i) for the first six months commencing from the date of the order on everyday;

(ii) for the next six months, at an interval of not more than four days; and

(iii) for the remaining period at an interval of not more than 10 days: Provided that, if during any of the periods mentioned above, such of fender.

(a) is convicted of any non-bailable offence; or

(b) is reasonably suspected by the District Magistrate concerned for reasons to be recorded in writing of having been concerned in commission of non-bailable offence, he shall report himself in the manner specified in clauses (i), (ii) and (iii) for the full periods mentioned therein, beginning in the case mentioned in clause (a), with the date of expiry of the sentence and in the case mentioned in clause (b), with such date as the District Magistrate may direct.

(2) If such offender be a female, she may, if she desires, cause the required report to be made by any male relative. She shall not, however, thereby be exempted from any penalty to which she may be liable if such report is proved to be not true.

8. Period for making representation to State Government under Section 10 :-

(1) The period for making representation to the State Government under Section 10 shall be thirty days from the date of receipt of the order of registration or re-registration or the order issued under - ub-section (2) of Section 7.

(2) On receipt of the representation, the Government shall fix a date for hearing and communicate the date of hearing to the aggrieved person, who may on the said date appear either in person or by a pleader.

9. Service of order made under Section 11 :-

A copy of the order made under sub-section (1) of Section 11 shall be served on the registered offender in the manner specified in Rule 4.

10. Absence of registered offender :-

(1) When any registered offender in respect of whom an order of restriction of movement has been made, intends to absent himself from his residence for one or more nights he shall notify his intended absence.

(a) if he is residing in a village.

(i) to the Police Patel of the village, when the period of intended absence does not exceed seven days; and

(ii) to the Police Patel of the village and the Officer-in-charge of the Police Station concerned when the period of intended absence exceeds seven days.

(b) if he is residing in a place other than a village to the Officer-in-charge of the Police Station within whose jurisdiction, he is residing.

(2) Such registered offender shall, at every place where he halts for the night, notify the Village Police Patel or in the case of a town or city to the Officer-in-charge of the Police Station concerned, his arrival at, and departure from that place, as also the place to which he intends to proceed and halt for the night.

(3) On arrival at his destination, such offender shall report himself to the Village Police Patel or in the case of a town or city to the Officer-in-charge of the Police Station concerned.

(4) For recording the temporary absence of such offender, a temporary absence form in Form 'C' shall be used. The Village Police Patel may issue this form when the registered offender is residing in a village and when the period does not exceed seven days and in other cases the form shall be issued by the Officer-in-charge of the police station concerned.

11. Failure of the Registered Offender to report :-

When a registered Offender in respect of whom an order of restriction of movement has been made, fails to report himself as laid down in Rule 7, it shall be competent for the Police Patel of the village in case such Offender is residing in a village or in other cases, for the Officer-in-charge of a Police Station, in whose jurisdiction such offender is residing to pay a domiciliary visit by day or night to verify the presence of the registered Offender in his place of residence. It shall then be the duty of such Offender, if he is present, to appear, personally before the Police Patel or such

Officer as the case may be or in the case of physical unfitness, otherwise to satisfy the Police Patel or such Officer of his presence.

12. Pass for being absent from the limits of the area to which the movements have been restricted :-

A registered Offender in respect of whom an order of restriction of movement has been made shall not leave or be absent from the limits of the area to which his movements have been restricted, without obtaining a pass in Form 'D' in the manner laid down in Rule 13:

Provided that where the area of restriction is smaller than the area of the Police Station within which it is situated, nothing contained in this rule shall be deemed to render it illegal for a restricted person to quit the limits of that area for the purpose of appearing at the Police Station within the limits of which he is residing or before any Court in obedience to any process of the Court or before any Court having jurisdiction to complain of an offence affecting himself or his family or to apply for a pass under these rules:

Provided further that such person shall, before leaving the area give notice to the Police Patel or to the Officer-in-charge of Police Station and shall proceed straight to the police station or to the Court as the case may be.

13. Procedure for granting a pass :-

(1) The Police Patel of the village in which restricted person resides may grant to such person a pass in Form 'F' authorising him to leave the area to which his movements have been restricted, for one day between the hours of sunrise and sunset.

(2) The Officer-in-charge of a Police Station in whose jurisdiction a restricted person resides may, on proper cause being shown grant to such person leave of absence not exceeding fifteen days and issue the pass.

¹ [(3) In other cases, the Superintendent of Police may grant to a restricted person leave of absence exceeding fifteen days and issue the pass.]

(4) Any pass granted under this rule shall be drawn up in triplicate and each pass shall be signed by the Officer granting the leave. One part shall be retained by such Officer, the second shall be given to the restricted person to whom leave has been granted and

the third shall be sent to the Officer- in-charge of the Police Station within the limits of which the destination of the holder of the pass lies.

1. Sub-rule (3) substituted by GSR 243, dated 22-7-1971, w.e.f. 12-8-1971.

14. Restrictions on movement during period of leave :-

¹ (1) A restricted person who obtains leave of absence under Rule 13 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 the arrival endorsed on the pass by the Police Patel of the village of the destination or if his restriction be a town or city, by the Officer-in-charge of the Police Station concerned.

(2) During the time when such person is on leave, he shall report every evening to the Police Patel of the village or to the Officer-in-charge of the Police Station within whose jurisdiction he happens to be and while at destination he shall report himself to the Officer-in-charge of the Police Station and produce his pass for endorsement. Such person shall not overstay the period of leave.

(3) During the period of residence at his destination such person shall not be absent from his residence at any time between sunset and sunrise or go beyond the limit of five miles from his residence during day time.

(4) Before returning to his residence, such person shall have the time and date of departure endorsed on the pass by the Police Patel or the Officer-in- charge of the Police Station concerned and on his returning to his residence he shall deliver up the pass to the Officer-in-charge of the Police Station or the Village Patel through whom he received it. Such pass, if originally issued by the Superintendent of Police shall be forwarded to him by the Officer-in-charge of the Police Station.

1. Substituted for the heading "Manner of Journey covered by pass" by GSR 243, dated 22-7-1971, w.e.f. 12-8-1971.

15. Withdrawal and Cancellation of Pass :-

¹ A pass granted under Rule 13 may at any time be withdrawn by the authority granting it and the leave granted shall thereby be cancelled.

1. Substituted for the heading "Duration of the pass" by GSR 243, dated 22-7-1971, w.e.f. 12-8-1971.

16. Exemption :-

(1) Exemption from reporting at intervals and from taking passes for leave of absence may be granted to any restricted person by the District Magistrate, if he is satisfied on enquiry that such person has shown a marked improvement and given unmistakable evidence of good conduct and sustained industry in earning his livelihood and has not been reasonably suspected of committing a non-bailable offence. Such exemption shall be intimated to the Superintendent of Police.

(2) The case of every restricted person shall be reviewed by the District Magistrate for the purpose of granting exemption, immediately after the expiry of one year from the date of the order of restriction and every six months thereafter.

17. Grant of certificate of identity to registered offenders and inspection of such certificates :-

(1) Every registered offender shall be granted by the Superintendent of Police, a certificate of identity in Form 'E'.

(2) The certificate of identity granted under sub-rule (1) shall be produced by the registered offender, on demand by ¹ [any Police Patel or Police Officer] or Magistrate for the purpose of inspection.

1. Substituted for the words "any Police Officer" by GSR 243, dated 22-7-1971, w.e.f. 12-8-1971.

18. Issue of permanent pass :-

The Superintendent of Police may issue to any person substituted in respect of whom an order of restriction of movement has been made, a permanent pass in Form 'F' specifying the days and the hours during which such person may visit the nearest bazaar or market place outside the area to which his movements have been restricted, for making purchases or sales.

CHAPTER 3

Corrective training of Habitual Offenders

19. Management, control and supervision of corrective settlements :-

The general control of all corrective settlements shall vest in the Reclamation Officer who may be assisted by one or more Assistant Reclamation Officers and Inspectors.

20. Supervision of settlements :-

Every corrective settlement shall be under the supervision of a Superintendent and the Superintendent shall be responsible for the enforcement of these rules for the internal administration of the corrective settlement and the general welfare of the settlers.

21. Visit to the Settlements :-

The Reclamation Officer or the Assistant Reclamation Officer shall visit the corrective settlements under their control once in every six months and conduct inspection.

22. Separate sections in corrective, settlements to be provided for :-

(1) Separate sections shall be provided in every corrective settlement for the following types of settlers.

(i) for single male settlers;

(ii) for single female settlers;

(iii) for settlers belonging to the same family;

(iv) for married settlers residing in such settlement with their wives or husbands as the case may be.

(2) Settlers of one type shall not be allowed to visit another type or section of the settlement.

23. Settlers to be provided with employment :-

(1) Every settler shall, unless he is by old age, physical infirmity or illness, unfit for manual labour, be employed on some kind of labour or industry or work suited to his physical condition as may be approved for such corrective settlement by the Reclamation Officer.

(2)

(a) Every settler who is unable on account of temporary physical or mental disability or illness to earn sufficient livelihood to provide for his stay in the settlement, shall be given light work by the Superintendent preferably, in simple craft taking into consideration such settler's aptitude, capacity and physical condition.

(b) If such settler is incapacitated to turn out any work, the Superintendent shall grant to the settler such stipend as is available for free grant.

(c) The grant of stipend under clause (b) shall be subject to the following procedures, namely.

(i) the visiting Medical Officer of the settlement shall certify that the settler is incapable of being engaged in gainful, strenuous employment;

(ii) the proposal for grant of stipend shall be submitted along with the medical certificate to the Reclamation Officer for approval;

(iii) the Reclamation Officer may, for reasons to be recorded, require the medical certificate to be countersigned by the District Medical Officer before according approval under item (ii).

24. Subsistence to settlers :-

The Superintendent shall satisfy himself that every settler residing in the corrective settlement is provided with sufficient means of subsistence and he shall report forthwith to the Reclamation Officer if there be any difficulty in this respect.

25. Apprenticeship employment and payment of subsidy to the settler :-

(1) Every settler in a corrective settlement shall be paid during the period of apprenticeship of two hundred days from the date of his admission, subsidy amount for his maintenance or diet according to the scale and such settler shall be trained in some trade provided in the corrective settlement.

(2) The Reclamation Officer may in respect of any settler increase the apprenticeship period up to three hundred days.

(3) On the expiry of apprenticeship period, the settler shall be given work as far as possible on the contract system of payment by piece work.

(4) Notwithstanding anything contained in this rule, the Superintendent may, either during the apprenticeship period or thereafter, employ any settler, on any remunerative job with which the settler is familiar such as mill work or work under private contractors.

26. Earnings by a settler :-

When a settler earns in a settlement more money than what is necessary for his maintenance, the Superintendent may deposit the surplus from time to time, in a Savings Bank Account opened in the

name of such settler. When such an account has been opened, the pass book shall be made over to the depositor at the time of his leaving the settlement.

27. Supply of clothings to Settlers :-

Every settler shall on admission be provided at Government cost a set of clothings and beddings once only as specified below. Scale of bedding both for male and female Settlers. At the discretion of the Reclamation Officer a settler may be supplied clothing and bedding for a second time, if the settler is unable to purchase them on account of his physical or mental disability.

28. Settler not to leave the limits without pass :-

(1) Unless exempted under sub-rule (3), no settler shall leave the limits of the corrective settlement without a pass. The limits of the corrective settlement shall be such as may be specified by the Reclamation Officer.

(2) A pass in Form 'G' permitting the Settler to proceed to any place in the State may be granted by the Superintendent for a period not exceeding two months, subject to the restrictions specified in the said form.

(3) A pass in Form 'G' to proceed to any specific ¹[place] may be granted to any settler by the Reclamation Officer.

(4) The Reclamation Officer may in special circumstances exempt any Settler from taking a pass for proceeding to any place. ² [He shall make a record in writing of such special circumstance before granting exemption.]

1. Substituted for the word "period" by GSR 243, dated 22-7-1971, w.e.f. 12-8-1971.

2. Inserted by GSR 243, dated 22-7-1971, w.e.f. 12-8-1971.

29. Settler to notify :-

A settler using a pass granted under Rule 28 shall notify his arrival immediately to the authority specified in the pass in the village, town, city or corrective settlement at which he has arrived and shall thereafter report himself at such ¹ [times] and places as shall have been specified in the pass.

1. Substituted for the word "times" by GSR 243, dated 22-7-1971, w.e.f. 12-8-1971.

30. Roll-call of settlers :-

Except when absent on a pass granted under Rule 28 or when exempted from the roll-call by the Reclamation Officer, every Settler shall attend the roll-call held daily at such time or times as may be fixed by the Reclamation Officer and before such persons and at such places as may be appointed for this purpose by the Superintendent.

31. Search of settlers :-

The Superintendent or any member of the staff of the corrective settlement authorised in this behalf by the Reclamation Officer, may search any Settler on admission and subsequently whenever necessary inspect his personal effects and his residence. Any article forbidden, such as liquor, opium, ganja and also articles which are used as weapons of offence or any property suspected to be stolen, found with the Settler shall be ¹[seized]. After ²[seizure], an enquiry shall be held by the Superintendent who shall ³[record the statement] of the person from whom the article ⁴ [was siezed, so as to his possession]. The Superintendent may then dispose of the property according to law.

1. Substituted for the word "attached" by GSR 243, dated 22-7-1971, w.e.f. 12-8-1971.
2. Substituted for the word "attachment" by GSR 243, dated 22-7-1971, w.e.f. 12-8-1971.
3. Substituted for the words "record the settlement" by GSR 243, dated 22-7-1971, w.e.f. 12-8-1971.
4. Substituted for the words "was attached so as to his possession" by GSR 243, dated 22-7-187.1, w.e.f. 12-8-1971.

32. Domestic animals of Settlers :-

The Reclamation Officer may decide what domestic animals may be kept by any settler in the corrective settlement and issue orders to ensure that they are kept under proper control and sanitation condition. The animals of any settler who disregards the order may be sold and the proceeds given to the owner.

33. Duties of a settler :-

A settler shall not.

- (a) refuse to perform any suitable work provided for him nor shall he engage in any work prohibited by the Superintendent;
- (b) commit any act of indecency;
- (c) refuse to obey any orders issued by the Superintendent to ensure proper sanitation of the corrective settlement;

- (d) without a permit ¹[granted under medical advice] partake of or possess liquor, opium, ganja or other intoxicants;
- (e) misbehave or cause any disturbance by violent conduct or by quarrelling;
- (f) gamble or bet;
- (g) join any trade union or political organisation;
- (h) beg;
- (i) resist or refuse to obey any lawful order issued by the Superintendent or refuse to give a true account of his movements;
- (j) without a permit from the Superintendent, ² [pledge] or sell moveable property exceeding five rupees in value;
- (k) have in his possession any article which has been forbidden by the Superintendent as capable of use as a weapon of offence;
- (l) fail to assist in the maintenance of discipline or to give assistance to an Officer of the corrective settlement when called upon to do so in the interest of the corrective settlement;
- (m) do or omit to do any act with intent to cause to himself any illness, injury or disability;
- (n) leave without permission the working party to which he is assigned or the part of the premises in which he may be required to be present at any particular time;
- (o) endeavour to escape from the corrective settlement limits within which he is legally required to stay.

1. Inserted by GSR 243, dated 22-7-1971, w.e.f. 12-8-1971.

2. Substituted for the word "mortgage" by GSR 243, dated 22-7-1971, w.e.f. 12-8-1971.

34. Penalty for breach of Rule 33 :-

Any breach of Rule 33 on the part of a Settler may at the discretion of the Superintendent be dealt with according to the nature of the offence or for other reasons to be recorded in writing in any one or more of the following ways.

- (a) a formal warning;
- (b) additional or more arduous work at the discretion of the Settlement Superintendent;

- (c) reduced wages or loss of wages for work done;
- (d) withholding or cancellation of leave;
- (e) confinement in a lock-up within the settlement; and
- (f) fine:

¹ [(g) execution of a bond with or without personal or cash surety in an amount not exceeding rupees twenty-five:]

Provided that all orders of punishment under these rules shall be liable to revision by the Reclamation Officer.

1. Clause (g) inserted by GSR 243, dated 22-7-1971, w.e.f. 12-8-1971.

35. Superintendent to recover fine :-

The Superintendent shall have power to recover any fine imposed under Rule 34 and the amount due from a surety, either in a lumpsum or by instalments and where there is wilful default in the payment of the fine or the amount of surety bond, he shall have power to attach and sell the movable property of the person fined, and of the surety, if such surety be a Settler.

36. Seizure of intoxicant found with a Settler :-

¹The Superintendent or any member of the staff of the corrective settlement authorised in this behalf by the Reclamation Officer may ²[seize] any intoxicant found with any settler without a permit under clause (d) of Rule 33 or any stake money or instrument of gaming used for the purpose of gambling. After" ³[Seizure], ⁴[an enquiry] shall be held by the Superintendent as to the possession of the articles ⁵[seized]. Where the articles ⁶ [seized] consist of an intoxicant, or the stake money does not exceed ten rupees in value the Superintendent shall, after the enquiry, either return the articles to the person appearing to be entitled thereto or order them to be sold and the sale proceeds given to such person, or in the case of intoxicants and instruments of gambling, order them to be destroyed. In other cases, the Superintendent shall, after the enquiry forward the article to the Reclamation Officer who may dispose of them in a similar manner.

1. Substituted for the word "attachment" by GSR 243, dated 22-7-1971, w.e.f. 12-8-1971.

2. Substituted for the word "attach" by GSR 243, dated 22-7-1971, w.e.f. 12-8-1971.

3. Substituted for the word "attachment" by GSR 243, dated 22-7-1971, w.e.f. 12-8-1971.
4. Substituted for the words "and enquiry" by GSR 243, dated 22-7-1971, w.e.f. 12-8-1971.
5. Substituted for the word "attached" by GSR 243, dated 22-7-1971, w.e.f. 12-8-1971.
6. Substituted for the word "attached" by GSR 243, dated 22-7-1971, w.e.f. 12-8-1971.

37. Arrest of Habitual Offender :-

The Superintendent or any member of the staff of the corrective settlement authorised in this behalf by the Superintendent or any Police Officer may arrest any Habitual Offender ordered to be placed in a corrective settlement or who, being an inmate of a corrective settlement is released from custody or imprisonment and may arrest any person who escapes or attempts to escape from the limits of the corrective settlement.

38. Transfer of persons from one Corrective Settlement to another :-

1 The Superintendent may report to the Reclamation Officer, the name of any person residing in a corrective settlement whose presence in such settlement is considered undesirable. The Reclamation Officer shall send a report of such cases to the Government or to the authorised officer for the transfer of such person to another corrective settlement.

1. Substituted for the word "one" by GSR 243, dated 22-7-1971, w.e.f. 12-8-1971.

39. Discharge of settler on licence :-

(1) A settler may be discharged from a corrective settlement conditionally on licence by the **1** [Divisional Commissioner if in] his opinion, such person has given unmistakable evidence of his good conduct and sustained industry and he is not likely to commit any offence again and is capable of maintaining himself and his

(a) the settler has resided in a corrective settlement for not less than one year;

(b) the settler has not been awarded any disciplinary punishment during the six months preceding the date of discharge;

(c) the settler has completed the training in the corrective settlement and a certificate is produced;

(d) the settler has saved at least one hundred rupees;

(e) the guardian or employer or relative of the settler is willing to receive him and give an assurance that the settler will not be allowed to take to criminal activities and that he shall support the settler or arrange to give the Settler an honest means of living and the guardian or employer or relative is also willing to execute a surety bond for such amount as may be fixed by the Reclamation Officer.

(2) A settler discharged under sub-rule (1) shall be granted a licence in Form H.

(3) The period of licence shall not extend beyond the date on which the period or order of restriction expires.

1. Substituted for the words "Government or by an Officer authorised by it in this behalf if in its or" by GSR 134, dated 30-3-1973, w.e.f. 7-6-1973.

40. Conditions to be observed by a person discharged on licence :-

(1) A person discharged on licence from the corrective settlement under Rule 39 shall observe the following conditions.

(a) he shall reside in such place as the Reclamation Officer may decide;

(b) he shall refrain from joining any trade union or political organisation;

(c) he shall be of good conduct;

(d) he shall abide by such conditions as to roll-call and taking of passes as may be ordered by the Reclamation Officer;

(e) he shall be under supervision of such Local Officer or Probationary Officer or voluntary social worker as may be appointed in this behalf by the Reclamation Officer for the unexpired portion of the period for which he was ordered to receive training in the settlement;

(f) failure to comply with any of the conditions mentioned in subrule (1) shall at the discretion of the Reclamation Officer render the discharged settler liable to recommitment to a settlement.

41. Powers of the Reclamation Officer which he may

exercise or delegate :-

The Reclamation Officer may.

(i) himself exercise any of the powers of the Superintendent under these rules; or

(ii) delegate to the Assistant Reclamation Officer any powers vested in himself under these rules except that of discharge of a settler on licence or of exempting a settler from taking passes.

42. Powers of the Superintendent :-

(1) The Superintendent may permit any bona fide dependents of a settler to reside with him in the corrective settlement in case of emergency. In all other cases, if the Reclamation Officer is satisfied that it is in the interest of a settler that his dependents should reside with him in the corrective settlement, he may if they so desire, permit them to reside in the corrective settlement: Provided that before such permission is granted the Reclamation Officer shall.

(i) ascertain by making such enquiries as he deems fit that according to the custom of the community to which the settler belongs, he is responsible for the maintenance of the dependents and that the settler and his dependents cannot suitably live apart; and

(ii) obtain an undertaking from the settler that the dependents shall observe the discipline of the corrective settlement and that he shall be responsible for the breach of the provision of clause (b) of Rule 33 committed by any of his dependents.

(2) The dependents of the settler shall, so long as they reside in the settlement observe the discipline of the connective settlement and particularly the provisions contained in clauses (b) to (i) and clause (k) of Rule 33.

(3) The settler shall exercise proper supervision over his dependents and shall not be an accessory to any breach of the provisions of Rule 33 committed by any of his dependents.

(4) Any breach of the provisions of Rule 33 by any of the dependents may at the discretion of the Superintendent be dealt with as provided in clauses (1) to (6) of Rule 34 and the punishment imposed on the settler concerned, if the Superintendent after making the necessary enquiries is satisfied

that the settler did not exercise proper supervision over his dependents or that the settler was accessory to the breach.

Explanation. For the purposes of this rule "Dependents" means the wife or husband of the settler as the case may be and his/her children under sixteen years of age.

CHAPTER 4

Visiting Committees

43. Constitution of the Visiting Committee :-

(1) For every corrective settlement, there shall be a visiting committee consisting of.

(a) ex officio members; and

(b) Non-official members.

(2) The following Officers shall be ex officio members of the Committee; namely.

¹[(i) x x x x x]

(ii) The District Magistrate of the District;

(iii) The Superintendent of Police of the District;

(iv) The District surgeon of the District;

(v) The District Agricultural Officer;

(vi) The District Officer-in-charge of Industries and Commerce;

(vii) The Superintendent shall be the ex officio Secretary of the Committee.

(3) There shall be five non-official members who shall be appointed by the Government.

(4) The ² [District Magistrate] shall be the Chairman of the visiting committee. The Reclamation Officer or his nominee may attend any meeting of the visiting committee on invitation.

(5) A non-official member should ordinarily have experience of social work at least for five years. He should not be less than thirty years and not more than sixty years of age. The Government may, however, relax the provision of this sub-rule in favour of any persons whom the Government considers suitable for appointment.

(6) Every non-official member shall hold the office for a period of two years from the date of his appointment:

Provided that a non-official member is eligible for re-appointment on the expiry of his period of appointment:

Provided further, that the Government may at anytime terminate the appointment of any non-official member before the expiry of his term of appointment without assigning any reason.

1. Clause (i) omitted by GSR 134, dated 30-3-1973, w.e.f. 7-6-1973.

2. Substituted for the words "Divisional Commissioner" by GSR 134, dated 30-3-1973, w.e.f. 7-6-1973.

44. Duties of the members of the visiting committee :-

(1) It shall be the duty of the members of the visiting committee.

(a) to visit the corrective settlement once in a quarter according to rotation which shall be drawn up by the Chairman after consulting the members and an interval of not more than three months should be allowed to pass between two successive meetings;

(b) to inspect all the parts of the corrective settlement and see every settler detained therein with a view to finding out if the settler is benefited by the training given to him.

(2) It shall be the duty of the visiting committee.

(a) to satisfy itself that necessary measures for discipline, employment and medical care are being taken;

(b) to give every settler an opportunity of making applications and complaints to it and to enquire into the same;

(c) to inspect the accounts and other registers and records of settlers;

(d) to review and consider whether it is advisable or desirable to discharge a settler before the expiry of term of his training and make recommendation in this regard to the ¹ [Divisional Commissioner];

(e) to consider any other matter connected with the progress of the settlement and welfare of the settlers.

1. Substituted for the word "Government" by GSE 134, dated 30-3-1973, w.e.f. 7-6-1973.

45. Proceeding of the visiting committee :-

A copy of the proceedings of each meeting of the visiting committee and also of the remarks recorded by the members of the visiting committee at the time of their visits shall be sent to the Reclamation Officer with such remarks as the Superintendent may desire to offer in explanation or otherwise and thereupon the Reclamation Officer shall pass such orders as he thinks necessary. The Superintendent shall place a copy of such orders before the quarterly meeting of the Committee or send it to the member making the remarks as the case may be.

46. Review of cases of all persons whose movements have been restricted :-

¹(1) A Board consisting of the District Magistrate of the District, the Assistant Reclamation Officer and the Superintendent of Police shall be constituted for reviewing the cases of persons whose movements have been restricted. The District Magistrate shall be the Chairman and the Superintendent of Police shall be the ex officio Secretary of the Board.

(2) The cases of all persons whose movements have been restricted under this Act shall be reviewed once in every six months by the Board. If on such review, the Board considers it advisable or desirable to rescind the order of restriction of movement before the expiry of the period specified in such order, it may make a recommendation ² [in this regard to the authority empowered to take action under Section 12.]

1. Rule 46 substituted by GSR 243, dated 22-7-1971, w.e.f. 12-8-1971.

2. Substituted for the words "to the Government in this regard" by GSR 134, dated 30-3-1973, w.e.f. 7-6-1973.

CHAPTER 5

Approving of Certifying Instructions as Corrective Settlements and their Management and Control

47. Procedure to certify as corrective settlement :-

When any institution registered under the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960) and not certified under sub-section (2) of Section 13 of the Act desires that it should be certified as a corrective settlement, it shall make through its Manager or other Competent Authority a written application in this behalf to the Reclamation Officer who shall cause the said institution to be inspected and shall make a report to the

Government if he is satisfied with the provisions made in the institution regarding facilities for lodging, guarding, training in the crafts, employment, recreation, medical and rehabilitation of the settler.

48. Certified Corrective Settlement to have a Governing Body :-

Every institution desiring to be certified as a corrective settlement under sub-section (2) of Section 13 shall have a Governing Body for the day-to-day management of the institution, with an Honourary Secretary who shall subject to the control of the Governing Body, discharge its executive and administrative functions.

49. Duties of the Reclamation Officer :-

The Reclamation Officer shall, subject to the general control of the Government prescribe the necessary registers and records to be maintained by the Superintendent of the corrective settlement in respect of the settlers.

50. Duties and Responsibilities of the Superintendent in charge of corrective settlement :-

Every corrective settlement certified under sub-section (2) of Section 13 shall have a Superintendent deputed by Government and his duties and responsibilities will be similar to those of the Superintendents of Corrective Settlement established by Government as per sub-section (1) of Section 13.

51. Control of certified corrective settlement :-

Such certified corrective settlement shall be under the general control of the Reclamation Officer and shall be inspected by him or the Assistant Reclamation Officer not less than once in every six months and in addition, as many times as it is necessary.

52. Separate section in the certified corrective settlement :-

Separate Sections shall be provided in every certified corrective settlement.

(1) for single male settlers;

(2) for single female settlers;

(3) for settlers belonging to the same family;

(4) for married settlers, residing in such settlement with their/Wives/Husbands as the case may be.

53. Visiting Committee for Certified Corrective Settlement :-

For every Certified Corrective Settlement there shall be a Visiting Committee consisting of ex officio members and non-official members as provided in sub-rules (2) to (6) of Rule 43 and the duties and responsibilities of the visiting committee shall be the same as provided in Rules 44 and 45. The Honorary Secretary and one or two members of the Governing Body shall be included as non-official members of the visiting committee.

54. Penalties :-

Whoever being a registered offender or a person against whom an order of restriction of movement has been made or a settle contravenes any of these rules, shall, on conviction, be punishable with imprisonment which may extend to six months or with fine which may extend to rupees one hundred, or with both.

55. Repeal and Savings :-

All rules corresponding to the foregoing rules framed under any enactment repealed by Section 22 are hereby repealed:

Provided that the repeal shall not affect.

(a) the previous operation or the rules so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation, or liability acquired, accrued or incurred under any rules so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offences committed against any rule so repealed; or

(d) any investigation or legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid and any such investigation, legal proceedings or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if such rules has not been repealed:

Provided further that subject to the preceding proviso anything done or any action taken (including any appointment or delegation made, notification, order, instructions or directions issued, Form, Certificates obtained, permit or pass or licence granted, or registration effected under any such rule) shall be deemed to have been done or taken under the corresponding provisions of these rules and shall continue to be in force accordingly unless and until

superseded by anything done or any action taken under the Act or these rules as the case may be.