

## **MAHARASHTRA HABITUAL OFFENDERS RULES, 1960**

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## **MAHARASHTRA HABITUAL OFFENDERS RULES, 1960**

In exercise of the powers conferred by Section 25 of the Bombay Habitual Offenders Act, 1959 (Bom. LXI of 1959), the Government of Maharashtra hereby makes the following rules, namely

### **1. Short title :-**

These rules may be called the Maharashtra Habitual Offenders Rules, 1960.

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

In these rules, unless there is anything repugnant in the subject or context

(a) "Act" means the Maharashtra Habitual Offenders Act, 1959 ;

(b) "Authorised officer" means any officer authorised by the State Government under Section 16 ;

(c) "Form" means a form appended to these rules ;

(d) "Order of restriction of report" means an order made under Section 11 requiring a person to restrict his movements to any area ;

(e) "Order of restriction of report" means an order made under sub-section (2) of Section 7 requiring a person to report himself to the authority specified therein;

<sup>1</sup> [(f) "Director of Correctional Services" or "Deputy Director of Correctional Services" means an officer appointed as such by the State Government for the Settlement];

(g) "Registered person" means a registered offender in respect of whom an order of restriction has been made ;

(h) "Section" means a section of the Act ;

(i) "Settler" means a registered offender or a habitual offender ordered by the State Government, the Court or the Magistrate under Section 15 to be placed in a corrective settlement ;

(j) "Superintendent" means a Superintendent of a Corrective Settlement ;

(k) Words and expressions used but not defined in these rules shall have the meanings assigned to them in the Act.

1. Substituted by G.N. of 4-7-1973.

### **3. Notice in Form A :-**

A notice under Section 4 shall be in Form 'A'. It may be served by any officer or servant working under the control of the District Magistrate or any officer appointed by him for the purposes of Section 4 by giving or tendering it to the person to whom it is addressed.

### **4. Register of habitual offenders :-**

The register of habitual offenders for each district shall be maintained in Form 'B'.

### **5. Registered offender shall notify change of address :-**

Every registered offender shall notify any change or intended change of his ordinary residence by reporting in person to the Officer in charge of the Police Station within whose jurisdiction he is residing and also the village police patel if he is residing in a village. When making the report for change or intended change of residence he shall notify the location of his intended new residence

and the day on which he proposes to move to such residence.

**6. Representation to the State Government :-**

Any habitual offender aggrieved by the registration or re-registration of his name under Section 4, or as the case may be, under Section 9 or by an order under sub-section (2) of Section 7, may within one month <sup>1</sup> [from the date of receipt by him of the intimation of the registration, re-registration or, as the case may be, the order] make a representation to the State Government against such registration, re-registration or order.

1. Inserted by G. N. of 15-7-1969.

**7. . :-**

A copy of the order made under sub-section (1) of Section 11 shall be served on the registered offender in the manner provided in Rule 3.

**8. Registered offender to report to the Police authorities during specified hours :-**

(1) Every registered offender in respect of whom an order of restriction of report has been made shall, unless otherwise directed by the Order, report himself between the hours of 7 and 9 p.m. to the Police Patel of the village or the Officer in-charge of the Police Station within whose jurisdiction he resides

(i) for the first six months commencing on the date of the order of restriction, on every day,

(ii) for the next six months, at an interval of not more than 4 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 offender,

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

(b) is reasonably suspected in Greater Bombay by the Commissioner of Police and elsewhere by the District Magistrate concerned for reasons to be recorded in writing of having been concerned in the commission of non-bailable offence, he shall report himself in the manner prescribed in clauses (i), (ii) and (iii) for the full periods mentioned therein, beginning in the case

mentioned in clause (a) with the date of the expiry of the sentence, and in the case mentioned in clause (b) with such date as the Commissioner of Police or the District Magistrate, as the case may be, may direct.

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

(3) The place of report shall unless otherwise directed by the order of restriction of report, be such as the Commissioner of Police in Greater Bombay and the District Magistrate elsewhere may by general or special order direct, provided that if such offender resides outside the radius of two miles from the place appointed by the District Magistrate, he shall report himself to such person as the District Superintendent of Police may direct.

#### **9. Notice in Form BB and special roll call :-**

<sup>1</sup>[(1) Any Police Officer not below the rank of a Sub-Inspector  
<sup>2</sup>[may at any time after issuing a notice in Form 'BB' hold] a special roll call of all restricted persons residing within his jurisdiction and it shall be the duty of each such person to attend and answer to his name when the roll call is held.

<sup>1</sup> [(2) The notice under sub-rule(1) may be served by the Police Patel of the village or any officer or servant working under the control of the officer issuing such notice who shall obtain the signature of the restricted person on the duplicate copy of the notice in token of his having received the same and make a report to that effect to the officer issuing the notice before the roll call is held.

(3) The roll call shall be held within the area to which the movements of such persons have been restricted and at such place as is not more than five miles away from the residence of any such person.]

1. Inserted by G.N. of 15-7-1969.

2. Substituted *ibid*.

#### **10. Intimation by the registered offender when he intends to absent himself from his residence :-**

(1) When any registered offender in respect of whom an order of

restriction of report 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 ;

(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 Offender shall, at every place where he halts for the night, notify to the village Police Patel or in the case of a town to the Officer-in- Charge of the Police Station his arrival and departure from that place as also the place to which he next 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 to the Officer-in- Charge of the Police Station concerned.

(4) For recording the temporary absence of such offender temporary absence form as in Form 'C' shall be used. The village Police Patel may issue this absence form when the registered offender is residing in a village and when the period does not exceed 7 days and in no other cases the form shall be issued by the Officer-in-Charge of the Police Station concerned.

**11. Domiciliary visit by the Police Patel or the Officer-in-Charge of the Police Station :-**

When a registered offender in respect of whom an order of restriction of report has been made fails to report himself as specified in the order or as laid down in Rule 8 it shall be competent for the Police Patel of the village in case such offender is residing in a village or in other case for the Officer-in-Charge of the Police Station, within 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 to appear otherwise to satisfy the Police Patel or such officer of his presence.

**12. Time of restriction of movements :-**

The area to which the movements of a registered offender in respect of whom an order of restriction of movements has been made shall, unless otherwise directed by the order, be

(a) if the place of his residence is in Greater Bombay the area of the Police Station in whose jurisdiction he resides, from 9-00 p.m. to 5-00 a.m. and the limits of Greater Bombay from 5-00 a.m. to 9-00 p.m.

(b) if the place of his residence is in a village, the limits of the village from 9-00 p.m. to 5-00 a.m. and the limits of Police Station from 5-00 a.m. to 9-00 p.m.

(c) if the place of residence is in a town, the limits of the town.

**13. Registered offender shall not leave or be absent from the limits of the area to which his 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 having obtained a pass in Form 'D' in the manner laid down in Rule 14:

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 the rules:

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

**14. Pass in Form D for movement out of the area restricted :-**

(1) That Police Patel of the village in which a restricted person

resides may grant to such person a pass in Form 'D' 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 the Police Station within whose jurisdiction a restricted person resides may on due cause being shown grant to such person leave of absence not exceeding 15 days and issue the pass.

(3) In Greater Bombay the Commissioner of Police and elsewhere the District Superintendent of Police concerned may grant a restricted person leave of absence for any period exceeding 15 days and issue the pass.

(4) Any pass granted under this rule shall be drawn up in triplicate and each part 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.

**15. Route for travel to the destination and return restricted**  
:-

(1) A restricted person who obtains leave of absence under Rule 14 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 his arrival endorsed on the pass by the Police Patel of the village of the destination or if the destination be a town by the Officer-in-charge of the Police Station concerned.

(2) During the time such person is on leave he shall report himself every evening to the Police Patel of the village or 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.

(3) Such person shall not overstay the period of leave.

(4) 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 5 miles from his residence during day time.

(5) 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 concerned and on his return to his residence shall deliver up the pass to the Officer-in-charge of the Police Station or the village Police Patel through whom he received it. Such pass, if originally issued by the Commissioner of Police or the District Superintendent of Police shall be forwarded to him by the Officer-in-charge of the Police Station.

**16. Cancellation of the pass granted :-**

A pass granted under Rule 14 may at any time be withdrawn by the authority granting it and the leave granted shall thereby be canceled.

**17. Exemption from reporting at intervals and from taking passes for leave of absence :-**

(1) Exemption from reporting at intervals and from taking passes for leave of absence may be granted to any restricted person by the Commissioner of Police or 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. In any area outside Greater Bombay such exemption shall be intimated to the District Superintendent of Police concerned.

(2) The case of every restricted person shall be reviewed by the Commissioner of Police or the District Magistrate or other officer authorised in this behalf for the purpose of such exemption after a year from the date of the order of restriction and every six months thereafter.

**18. Certificate of identity in Form E :-**

Every restricted person who has been exempted in accordance with the provision of Rule 17 shall be granted by the Commissioner of Police or the District Superintendent of Police, as the case may be, a certificate of identity in Form 'E' specifying the nature of exemption granted.

**19. Permanent pass in Form F :-**

In Greater Bombay the Commissioner of Police and elsewhere the District Superintendent of Police concerned may issue to any restricted person a permanent pass in Form 'F', specifying the days and the hours during which such person may visit the nearest bazar or market place outside the area to which his movements have

been restricted, for making purchases or sales.

**20. General control of settlements :-**

The general control of all settlements shall vest in the <sup>1</sup>[Director of Correctional Services] who may be assisted by the <sup>2</sup> [Deputy Director of Correctional Services]

1. Substituted by G. N. of 19-9-75.
2. Substituted by G. N. of 4-7-1973.

**20A. Director of correctional services :-**

<sup>1</sup>The officer for the purpose of clause (a) of sub-section (3) of Section 15 of the Act shall be the <sup>2</sup> [Director of Correctional Services, Maharashtra State, Poona].

1. Inserted by G.N. of 22-8-1970.
2. Substituted by G. N. of 4-7-1973.

**21. Settlement shall be under the supervision of superintendent :-**

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

**22. Visits of settlements in every six months and conduct inspection :-**

<sup>1</sup> [Director of Correctional Services or the Deputy Director of Correctional Services] nominated by the Director shall be responsible to visit the settlements under their control once in every six months and conduct inspection.

1. Substituted by G. N. of 4-7-1973.

**23. Separate section in each settlement and restriction on visits :-**

(1) Separate sections shall be provided in every settlement for the following type of settlers :

(i) for single male settlers ;

(ii) for single female settlers, and

(iii) for settlers belonging to the same family. Separate settlements shall also be provided on the basis of types and intensity of the criminal behaviour.

(2) Settlers of one type shall not be allowed to visit another type or section of the same 'settlement nor settlers of one settlement shall be allowed to visit another settlement.

**24. Suitable engagement to the old and physically infirm :-**

Every settler shall, unless he is by old age, physical infirmity or illness unfit for manual labour, be employed on some kind of labour of industry of work suited to his physical condition as may be approved for each settlement by the <sup>1</sup> [Director of Correctional Services].

1. Substituted by G. N. of 4-7-1973.

**25. Superintendent to ensure sufficient means of subsistence for the settlers :-**

The superintendent in charge of a settlement shall satisfy himself that every settler residing in the settlement is provided with sufficient means of subsistence and he shall report forthwith to the <sup>1</sup> [Director of Correctional Services] if there is any difficulty in this respect.

1. Substituted by G. N. of 4-7-1973.

**26. Payment of a subsidy during apprenticeship of 200 days :-**

(1) In an industrial settlement every settler shall be paid during the period of his apprenticeship of 200 days from the date of his admission subsidy amount sufficient for his maintenance or diet according to scale, and taught some trade provided in the settlement.

(2) The <sup>1</sup> [Director of Correctional Services] may in respect of any settler increase the apprenticeship period up to 300 days.

(3) On the expiry of the apprenticeship period the settler shall be given work as far as possible on the contract system of payment by piece work, the worker being paid at least 3/4 of the estimate value of the work done by him.

(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.

1. Substituted by G.N. of 4-7-1973.

**27. Saving from the earning :-**

When a settler earns in a settlement more money, than is necessary for his maintenance, the Superintendent may deposit the surplus, from time to time, in Savings Bank account opened in the name of such settler. When an account of this nature has been opened, the pass book shall be made over to the depositor who shall produce it whenever called upon by the Department Officers for inspection or for the purpose of making further deposits.

**28. Provision for clothings and bedding on admission at Government cost :-**

Every settler be provided at Government cost a set of clothings and bedding once only on admission according to the sanctioned scale. At the discretion of the <sup>1</sup> [Director of Correctional Services] a settler may be supplied clothing and bedding a second time if the settler is unable to purchase them on account of his physical or mental disability.

1. Substituted by G.N. of 4-7-1973.

**29. Settler shall not leave the limits of the settlement without a pass :-**

Unless exempted under sub-rule (3) of Rule 30 no settler shall leave the limits of the settlement without a pass. The limits of the settlement shall be such as may be specified by the <sup>1</sup> [Director of Correctional Services.]

1. Substituted by G.N. of 4-7-1973.

**30. Pass in Form C and its limitations :-**

(1) A pass in Form 'C' 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 such restrictions as may be imposed by the <sup>1</sup>[Director of Correctional Services.]

(2) A pass to proceed to any place for any specific period may be granted to any settler by the <sup>1</sup>[Director of Correctional Services.]

(3) The <sup>1</sup> [Director of Correctional Services] may in special circumstances exempt any settler from taking a pass for proceeding to any place.

1. Substituted by G.N. of 4-7-1973.

**31. Obligations on the pass holder settler to notify his arrival :-**

A settler using a pass granted under Rule 30 shall notify his arrival immediately to the authority specified in the pass in the village, town or settlement at which he has arrived and shall thereafter report at such times and places as shall have been specified in the pass.

**32. Duty to attend roll call daily :-**

Except when absent on a pass granted under Rule 30 or when exempted from the roll call by the <sup>1</sup>[Director of Correctional Services] every settler shall attend the roll call held daily at such time or times as may be fixed by the <sup>1</sup> [Director of Correctional Services] and before such persons and at such places as may be appointed for this purpose by the Superintendent.

1. Substituted by G. N. of 4-7-1973.

**33. Search of a settler on admission etc :-**

The Superintendent or any member of the staff of the settlement authorised in this behalf by the <sup>1</sup> [Director of Correctional Services] may search any settler on admission and subsequently whenever necessary inspect his personal effects which shall be attached. After attachment an inquiry shall be held by the Superintendent who shall record the statement of the person from whom the article was attached as to his possession. The Superintendent may then dispose of the property according to law.

1. Substituted by G. N. of 4-7-1973.

**34. Provision as to keep of domestic animals by settlers in the settlement :-**

The Director of Social Welfare may decide what domestic animals may be kept by any settlers in the settlement and issue orders to ensure that they are kept under proper control and sanitary condition. The animals of any settler who disregards the order may be sold and the proceeds given to the owner.

**35. 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 settlement;
- (d) without a permit partake of or possess liquor, opium, ganja or other intoxicants;
- (e) misbehave or cause any disturbance by the violent conduct of 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 true account of his movements ;
- (j) without a permit from the Superintendent mortgage or sell moveable property exceeding Rs. 5 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 settlement when called upon to do so in the interests of the institution ;
- (m) do or omit to do any act with intent to cause to himself any illness or 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 settlement limits within which he is legally required to stay.

**36. Penal consequences of breach of these rules :-**

Any breach of these rules 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 :

- <sup>1</sup> [(i) formal warning to be recorded in history sheets,
- (ii) requiring him to furnish a bond with or without personal or cash sureties in an amount not exceeding Rs. 25,

(iii) stoppage of wages,

(iv) fine not exceeding Rs. 10]:

Provided that if the Superintendent considers that a particular contravention of the rules should be punished with fine exceeding ten rupees, then he shall refer such case to the Director of Social Welfare who shall punish such contravention with fine not exceeding one hundred rupees.

1. Substituted by G. N. of 18-6-1970.

**37. Superintendent may deal departmentally when a settler is considered guilty of trivial offences etc :-**

The Superintendent may deal departmentally in any of the ways provided in Rule 36 with any settler he considers guilty of a trivial offence of theft, cheating, extortion or receiving or disposing of stolen property (the property in each case being less than Rs. 10), which comes directly to the notice of his settlement staff or for which investigation has been refused by the Police under the proviso to sub-section (1) of Section 157 of the Code of Criminal Procedure, 1898 or for which the case has been withdrawn under Section 495 of the said Code on condition that the offence is dealt with departmentally, provided that the alleged offender may elect to be tried in a Criminal Court.

**38. Power to recover Fines imposed under Rule 36 :-**

The Superintendent shall have power to recover any fine imposed under Rule 36 and the amount due from a surety either in a lump sum or by instalments and where there is a wilful default in the payment of the fine or the amount of surety bond, he shall have power to attach and sell the moveable property of the person fined and of the surety, if such surety be a settler.

**39. Power of the Superintendent to attach intoxicant etc :-**

The Superintendent or any member of the staff of the Settlement authorised in this behalf by the Director of Social Welfare may attach any intoxicant found with any other settler without a permit under clause (d) of Rule 35 or any betting money or instrument of gaming used for the purpose of gambling. After attachment an inquiry shall be held by the Superintendent as to the possession of the articles attached. Where the articles attached consist of an intoxicant or instrument in value Rs. 10 the Superintendent shall after the inquiry either in person or 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 gaming order them to be destroyed. In other cases, the Superintendent shall, after the inquiry, forward the articles to the Director of Social Welfare who may dispose of them in a similar manner.

**40. Arrest of habitual offender ordered to be placed in a settlement etc :-**

The Superintendent or any member of the settlement staff authorised in this behalf by the Superintendent or any Police Officer may bring under arrest any habitual offender ordered to be placed in a settlement or who being an inmate of a settlement is released from custody or imprisonment and may arrest any such person who escapes or attempts to escape from the limits of the settlement specified under Rule 29.

**41. Transfer of a person from one settlement to another on disciplinary grounds :-**

The Superintendent may report to the Director of Social Welfare the name of any person residing in a settlement whose presence in the settlement he considers to be undesirable. The Director of Social Welfare may take order of the State Government or the authorised Officer for the transfer of such person to another settlement where he can be placed under stricter discipline.

**42. Conditional discharge of a settler on licence :-**

(1) A settler may be discharged conditionally on licence by the State Government or the authorised Officer if in its or his opinion such person has given unmistakable evidence of good conduct and sustained industry, and is not likely to commit an offence again and is capable of maintaining himself and his dependents by honest means and fulfills the following conditions, namely:

- (a) The settler has resided in a settlement for not less than 1 year ;
- (b) The settler has not been awarded any disciplinary punishment for serious breach of these rules during six months preceding the date of discharge ;
- (c) The settler has completed the training in the settlement and a certificate to that effect from the Superintendent is produced ;
- (d) The settler has saved at least Rs. 100 ; 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 willing to execute a surety bond for such amount as may be fixed by the 13[Director of Correctional Services.]

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

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

**43. A person discharged on licence from a settlement to observe the following conditions :-**

(1) A person discharged on licence from a settlement unless Rule 42 shall be required to observe the following conditions :

(a) He shall reside in such place as the 13[Director of Correctional Services] may determine ;

(b) <sup>1</sup>\* \* \* \* \*

(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 <sup>2</sup>[Director of Correctional Services];

(e) He shall be under the supervision of such local officer or Probation Officer or Voluntary Social Worker as may be appointed in this behalf by the 13[Director of Correctional Services] for the unexpired portion of the period for which he was ordered to receive training in the settlement.

(2) Failure to comply with any of the conditions, stated under sub-rule (1) shall at the discretion of the <sup>2</sup> [Director of Correctional Services] under the discharged settler liable to recommitment to a settlement.

1. Deleted by G. N. 19-9-1975.

2. Substituted by G. N. of 4-7-1973.

**44. Power of the Director General of Correctional Services :-**

The <sup>1</sup>[Director of Correctional Services]

(i) may himself exercise any of the powers of a Superintendent under these rules,

(ii) may delegate to any <sup>2</sup> [Deputy Director of Correctional Services] any of the said powers exercisable by the Superintendents or 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.

1. Substituted by G. N. of 4-7-1973.

2. Substituted by G. N. of 4-7-1973.

**45. Power of the Superintendent to permit any bonafide of dependent of a settler to reside with him in the settlement in case of emergency :-**

(1) The Superintendent may permit any bonafide dependents of a settler to reside with him in the settlement in case of emergency. In all other cases, the <sup>1</sup> [Director of Correctional Services] may, if they so desire, permit them to reside in the settlement:

Provided that before such permission is granted the [Director of Correctional Services] 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 settlement and that the settler shall be responsible for the breach of the provisions of Rule 35 specified in sub-rule (2) 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 settlement and particularly the provisions contained in clauses (b) to (i) and clause (k) of Rule 35.

(3) The settler shall exercise proper supervision over his dependent and shall not be an accessory to any breach of the provisions of Rule 35 specified in sub-rule (2) committed by any of his dependents.

(4) Any breach of the provisions of Rule 35 specified in sub-rule (2) by any of the dependents may, at the discretion of the Superintendent, be dealt with as provided in clauses 17[(i) to (iv)] of Rule 36 and the punishment imposed on the settler concerned, if

the Superintendent after making the necessary inquiry 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 mean wife of the settler and his children under 16 years of age.

1. Substituted by G. N. of 4-7-1973.

**46. Visiting Committee for every settlement :-**

(1) For every settlement there shall be a Visiting Committee consisting of (a) ex-officio members and (b) non-official members.

(2) The following officers shall be the ex-officio members of the Committee namely:

(i) **1\***

(ii) The District Magistrate of the district;

(iii) The District Superintendent of Police ;

(iv) The Civil Surgeon of the district;

(v) **2\* \* \***

(vi) \*

(vii) \* \*

(viii) The Inspector-General of Prisons ;

(ix) The Deputy Inspector-General of Prisons of the region concerned.

(3) There shall be seven non-official members of the committee who shall be appointed by the State Government.

(4) The District Magistrate shall be the Chairman, and the Superintendent of the Settlement shall be the ex-officio Secretary of the Committee.

(5) A non-official member should ordinarily have experience of social work for at least five years. He should not be less than 30 years and more than 60 years of age. The State Government may, however, relax the provisions of this sub-rule in favour of any person whom the State Government considers suitable for appointment as non-official member of the Committee.

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

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

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

**3 \* \* \* \* \***

1. Deleted by G. N. of 4-7-1973.
2. Deleted by G. N. of 4-7-1973.
3. Deleted by G. N. of 5-7-1969.

#### **47. Duties of the Visiting Committee :-**

(1) It shall be the duty of the members of the Visiting Committee :

(a) to visit the Settlement once a month according to a schedule which shall be drawn up by the Chairman after consulting the members ;

(b) To attend quarterly meetings which shall be held in the months of January, April, July and October ;

(c) to inspect all parts of the 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 measure 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 the records of settlers ;

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

#### **48. Copy of the proceedings of each meeting 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 Director of Social Welfare with such remarks as the Superintendent may desire to offer in explanation or otherwise and thereupon the Director of Social Welfare 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.

**49. . :-**

(1) The State Government may approve or certify any privately managed institution (whether known as a settlement or otherwise) as a corrective settlement for the purpose of the settlement or otherwise) as a corrective settlement for the purposes of the Act, on application made on behalf of such institution, subject to the conditions mentioned in sub-rule (2).

(2) The privately managed settlement approved or certified by the State Government shall abide by the following conditions

(i) A privately managed settlement may at its discretion choose a settler according to its choice. Once it accepts a settler he will not be transferred to another settlement except on unusual or unexpected circumstances ;

(ii) Per capita Re. 1 will be given during the apprenticeship period;

(iii) A privately managed Settlement should have at least four instrumental industries with qualified staff to supervise and train ;

(iv) Inspection of the privately managed settlements will be done by the Departmental Officer with or without notice ;

(v) All the accounts in respect of the committed settlers are liable for audit by the department;

(vi) Case Sheets of the settlers committed should be properly maintained with due regard to case work of a standard set by the Director of Social Welfare ;

(vii) The premises of the privately managed settlements should be maintained clean and tidy ;

(viii) Clothing and bedding on the arrival of the inmates should be provided by privately owned agency ;

(ix) Wages as determined by the Director of Social Welfare in

consultation with privately owned agency should be paid to settlers after the training is over;

(x) All medical help should be provided by the privately owned agency, during the training period of the settler within the sanctioned per capita grant;

(xi) All the registers prescribed by the Director of Social Welfare from time to time should be maintained properly and should be shown to inspecting officers from time to time.

**50. . :-**

(1) The cases of all persons whose movements have been restricted or who are placed in corrective settlements under this Act shall be reviewed every six months by a Board consisting of the District Magistrate of the District, the Deputy Director of Social Welfare (Correctional Administration) and the District Superintendent of Police of the district. The District Magistrate shall be the Chairman and the Superintendent of the Settlement shall be ex-officio Secretary of the Board.

(2) If the Board considers it advisable to discharge a settler before the expiry of the term of his training, it may make a suitable recommendation to the State Government or to the officer authorised by it in this behalf.

**51. Repeal of the Bombay Habitual Offenders Restriction Rules, 1948 etc :-**

The Bombay Habitual Offenders Restriction Rules, 1948 and any other rules corresponding thereto made under the Habitual Offenders (Restriction and Settlement) Act, 1954 (hereinafter referred to as "the said rules") are hereby repealed:

Provided that anything done or any action taken under the said rule, shall, so far as it is not inconsistent with these rules, be deemed to have been done or taken under the corresponding provision of these rules, as if the said provision was in force when such thing was done or such action was taken, and shall continue in force accordingly, unless and until superseded by anything done or any action taken under these rules.