



भारत सरकार / Government of India

सरकारी राजपत्र OFFICIAL GAZETTE

संघ प्रदेश दादरा एवं नगर हवेली तथा दमण एवं दीव प्रशासन
U.T. ADMINISTRATION OF DADRA AND NAGAR HAVELI AND
DAMAN AND DIU

असाधारण EXTRAORDINARY

प्राधिकरण द्वारा प्रकाशित / PUBLISHED BY AUTHORITY

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U.T. Administration of
Dadra & Nagar Haveli and Daman & Diu,
Home Department,
Secretariat, Vidyut Bhavan,
Kachigam, Nani Daman

No. 1/Home/401/DNH&DD/Habitual Offenders-Rules/2023-24/317

Dated: 29/02/2024.

NOTIFICATION

WHEREAS, in exercise of the powers conferred by section 19 of the Dadra and Nagar Haveli and Daman and Diu (Merger of Union Territories) Act, 2019 (44 of 2019) and in pursuance of the Dadra and Nagar Haveli and Daman and Diu (Adaptation of Central Law, State Laws and Presidential Regulations) Orders, dated 18th January, 2022 "The Dadra and Nagar Haveli and Daman and Diu Habitual Offenders Act, 1976 (Act No. 16 of 1976)" dated 22/03/2022 has been publish in the Official Gazette of the Union territory of Dadra and Nagar Haveli and Daman and Diu vide Notification No. LAW/U.T. Merge (4)/Adapt. State Law/2022/52 dated 30/03/2022 for implementation and for general information.

AND WHEREAS, as per Section 25 of the Dadra and Nagar Haveli and Daman and Diu Habitual Offenders Act, 1976 (Act No. 16 of 1976), the Administrator, Dadra and Nagar Haveli and Daman and Diu is pleased to frame the draft of Rules for carrying out the purposes of the said Act.

NOW THEREFORE, any person interested in making any suggestion or objection regarding the following proposed draft Rules may do so in writing for consideration of the UT of Dadra & Nagar Haveli and Daman & Diu within a period of **fifteen days (15 days)** from the date of publication of Rules in the Official Gazette of the UT Administration of Dadra & Nagar Haveli and Daman & Diu through post to **the Joint Secretary (Home), Dadra & Nagar Haveli and Daman & Diu, 2nd Floor, Secretariat, Vidyut Bhawan, Kachigam, Nani Daman:**

DRAFT RULES

1. Short title and commencement.- (1) These rules may be called the Dadra & Nagar Haveli and Daman & Diu Habitual Offenders Rules, 2023.

(2) They shall come into force at once.

2. Definitions. - In these rules, unless there is anything repugnant in the subject or context,-

- (a) "Act" means the Dadra & Nagar Haveli and Daman & Diu Habitual Offenders Act, 1976 (16 of 1976);
- (b) "Authorised officer" means any officer authorised by the Government under section 16;
- (c) "Director of Social Welfare", "Deputy Director of Social Welfare" or "Assistant Director of Social Welfare" means an officer appointed as such by the Government for the settlements;
- (d) "Form" means a form appended to these rules;
- (e) "Order of restriction of movements" means an order made under section 11 requiring a person to restrict his movements to any area;
- (f) "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;
- (g) "Restricted 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 Government, the Court or the Magistrate under section 15 to be placed in a corrective settlement;
- (j) "Superintendent" means a Superintendent of a settlement;
- (k) Words and expression used but not defined in these rules shall have the meanings assigned to them in the Act.

3. Serving of notice. - 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. Maintenance of register. - The register of habitual offenders for each district shall be maintained in form "B".

5. Registered offender to 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. 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. **Aggrieved habitual Offender may make representation.**- 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 30 days after the receipt of order of registration or re-registration make a representation to the Government against such registration, re-registration or order.

7. **Copy of order to be served on registered offender.** - 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 himself to officer-in-charge of Police Station.** - (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 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 four days, and
- (iii) for the remaining period, at an interval of not more than ten 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 by the District Magistrate for reasons to be recorded in writing of having been concerned in the commission of a 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 sentence, and in the case mentioned in clause (b) with such date as the District Magistrate may direct.

(1) 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.

(2) The place of report shall unless otherwise directed by the order of restriction of report, be such as District Magistrate, or Sub-Divisional Magistrate, Superintendent of Police as the case may be, may by general or special order direct, provided that if such offender resides outside the radius of 3.5 kilometres from the place appointed, by said authority, he shall report himself to such person as the Sub-Divisional Police Officer may direct.

9. **Police Officer may hold special roll-call of restricted persons.** - Any Police Officer not below the rank of a Sub-Inspector may at any time 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.

10. **Registered Offender to notify his intended absence to Officer-in-charge of Police Station.**- (1) When any registered offender in respect of whom an order of restriction of report has

been made in-tends to absent himself from his residence for one or more nights, he shall notify his intended absence to the Officer-in-charge of the Police Station/Police-Out-Post within whose jurisdiction he is residing.

(2) Such offender shall, at every place where he halts for the night, notify to the Officer in-Charge of the Police Station his arrival at 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 Officer-in- Charge of the Police Station concerned.

(4) For recording the temporary absences of such offender, temporary absence form as in Form C shall be used. The Form shall be issued by the Officer-in-Charge of the Police Station concerned.

11. Officer-in-Charge of Police Station to pay domiciliary visit.- When a registered offender in respect of whom an order of restriction or 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 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 such officer, or in the case of physical inability to appear otherwise to satisfy the officer of his presence.

Note: - The provisions of this rule do not authorise the officer paying a visit to enter the residence of any registered offender.

12. Limits of movement of registered offender. - The area to which the movement of registered offender in respect of whom an order of restriction of movement has been made shall, unless otherwise directed by the order, be- (a) if the place of residence is in a village, the limits of the village from 21.00 hrs. to 05.00 hrs. and the limits of the Police Station from 05.00 hrs. to 21.00 hrs.;

(b) if the place of residence is in Town, the limits of the Town.

13. Registered Offender not to move without pass in Form D.- 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 manner laid down in rule 14:

Provided that where the area of restrictions 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 or 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 effecting 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 Officer-in-Charge of the Police Station and shall proceed straight to the Police Station or the Court, as the case may be.

14. Officer-in-charge of Police Station may grant leave of absence to a restricted person. - (1)

The Officer-in-Charge of a 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 a pass in Form D.

(2) 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 whom leave has been granted and the third shall be sent to Officer-in-Charge of the Police Station within the limits of which the destination of the holder of the pass lies.

15. Restricted person to travel by route specified in Pass. - (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 Officer-in-Charge of the Police Station.

(2) During the time such person is on leave he, shall report himself every evening 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.

(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 8 kms. from his residence during the day time.

(5) Before returning to his residence such person shall have the time and date of departure endorsed on the pass by the officer concerned and on his return to his residence he shall deliver up the pass to the Officer-in-Charge of the Police Station from whom he received it.

16. Power to withdraw Pass and cancel leave.- A pass granted under rule 14 may at any time be withdrawn and the leave granted shall thereby be cancelled.

17. Superintendent of Police or District Magistrate may exempt restricted person from reporting. - (1) Exemption from reporting at intervals and from taking passes for leave of absence may be granted to any restricted person by the Superintendent 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. Such exemption shall be intimated to the Deputy Superintendent of Police Officer concerned.

(2) The case of every restricted person shall be reviewed by the Superintendent of Police or 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. **Superintendent of Police to grant Certificate to exempted restricted Person.** - Every restricted person who has been exempted in accordance with the provision of rule 17 shall be granted by the Superintendent of Police, a certificate of identity in Form E specifying the nature of exemption granted.

19. **Deputy Superintendent of Police may issue permanent pass to restricted Person.** - The Deputy 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 bazaar or market place outside the area to which his movements have been restricted, for making purchases or sales.

20. **General control of settlement to vest in Director of Social Welfare.** - The general control of all settlement shall vest in the Director of Social Welfare who may be assisted by the Dy. Director of Social Welfare (**Correctional Administration**) and one or more Assistant Director of Social Welfare.

21. **Superintendent to supervise settlements.** - Every 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 settlement and the general welfare of the settlers.

22. **Director of Social Welfare to visit settlements.** - The Director of Social Welfare or the Deputy Director of Social Welfare (Correctional Administration) and the Assistant Directors nominated by the Director shall be responsible to visit the settlements under their control once in every six months and conduct inspection.

23. **Separate sections for settlers.** - (1) Separate sections shall be provided in every settlement for the following types 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. **Settler to be employed.** - 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 such settlement by the Directorate of Social Welfare.

25. Settler to be provided with sufficient means of subsistence. - 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 Director of Social Welfare if there be any difficulty in this respect.

26. Settler to be paid during period of apprenticeship. - (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 Director of Social Welfare 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 estimated value of the work done by him.

(4) Notwithstanding anything 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.

27. Settler to deposit surplus earned amount in Saving Bank. - 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 Saving Bank Account opened in the name of such settler. When 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 Departmental Officers for inspection or for the purpose of making further deposits.

28. Settler to be provided with clothing and beddings. - Every settler shall be provided at Government cost a set of clothing's and beddings once only on admission according to the sanctioned scale. At the discretion of the Director of Social Welfare, 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.

29. Settler not to leave limits of settlement without 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 Director of Social Welfare.

30. Superintendent may grant pass to settler to proceed to any place in District. - (1) A pass in Form G permitting the settler to proceed to any place in the District may be granted by the Superintendent for a period not exceeding two months, subject to such restrictions as may be imposed by the Director of Social Welfare.

(2) A pass to proceed to any place for any specific period may be granted to any settler by the Director of Social Welfare.

(3) The Director of Social Welfare may in special circumstances exempt any settler from taking a pass for proceeding to any place.

31. Settler to notify his arrival to authority specified in pass. - 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 himself at such times and place as shall have been specified in the pass.

32. Settler to attend roll call. - Except when absent on a pass granted under rule 30 or when exempted from the roll call by the Director of Social Welfare, every settler shall attend the roll call daily at such times as may be fixed by the Director of Social Welfare and before such persons and at such places as may be appointed for this purpose by the Superintendent.

33. Superintendent to search settler on admission. - The Superintendent or any member of the staff of the settlement authorised in this behalf by the Director of Social Welfare may search any settler on admission and subsequently whenever necessary and 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 attached. After attachment an enquiry 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.

34. Settler may keep domestic animals. - The Director of Social Welfare may decide what domestic animals may be kept by any settler 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. Discipline to be observed by settler. - A settler shall not-

- (a) refuse to perform any suitable work provided for him nor shall be engaged 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 a true account of his movements;
- (j) without a permit from the Superintendent mortgage or sell movable property exceeding Rs. 5 in value;
- (k) have in his possession any article which has been forbidden by the Superintendent as capable of being used 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, 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. Punishment.- 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 anyone or more of the following: -

- (i) formal warning to be recorded in history sheets,
- (ii) confinement in lock up for a period not exceeding 3 days,
- (iii) solitary confinement not exceeding 10 days at a time,
- (iv) stoppage of wages,
- (v) fine not exceeding Rs. 10/-, 671
- (vi) requiring him to furnish a bond with or without personal or cash sureties in an amount not exceeding Rs. 25/-.

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.

37. Superintendent may punish settler who is guilty of trivial offence. - 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, extorting 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 Criminal Procedure Code, 1973 or for which the case has been withdrawn under section 321 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 fine. - 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 wilful default in the payment of the fine or the amount of the 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.

39. Superintendent may attach intoxicant. - 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 within any settler without a permit under clause (d) of the rule 35 or any betting money or instrument of gaming used for the purpose of gambling. After attachment, an enquiry shall be held by the Superintendent as to the possession of the articles attached. Where the articles attached consist of an intoxicant or do not exceed in value of Rs. 10/- 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 gaming order them to be destroyed. In other cases, the Superintendent shall, after the enquiry, forward the articles to the Director of Social Welfare who may dispose them of in a similar manner.

40. Power to arrest.- 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 undesirable persons. - 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 Government or the authorized officer for the transfer of such person to another settlement where he can be placed under stricter discipline.

42. Government may discharge settler conditionally. - (1) A settler may be discharged conditionally on licence by the 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 fulfils the following conditions, namely: -

- (a) The settler has resided in a settlement for not less than one 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 saved at least Rs. 100/-;
- (d) The guardian or employer or relatives of the settler is willing to receive him and gives 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 guardians or employer or relative is also willing to execute a surety bond for such amount as may be fixed by the Director of Social Welfare.

(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. Person discharged on licence to observe conditions. - (1) A person discharged on licence from a settlement under rule 42 shall be required to observe the following conditions: -

- (a) He shall reside in such place as the Director of Social Welfare may determine;
- (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 Director of Social Welfare;
- (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 Director of Social Welfare 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 mentioned in sub-rule (1) shall at the discretion of the Director of Social Welfare render the discharged, settler liable to recommitment to a settlement.

44. Director may exercise powers of Superintendent. - The Director of Social Welfare-

- (i) may himself exercise any of the powers of a Superintendent under these rules, or
- (ii) may delegate to any Deputy Director of Social Welfare or Assistant Director of Social Welfare any of the said powers exercisable by the Superintendent or any powers vested in himself under these rules except that of discharge of a settler on a licence, or of exempting a settler from taking passes.

45. Dependent of settler may be permitted to reside in settlement. - (1) The Superintendent may permit any bonafide dependent of a settler to reside with him in the settlement in case of emergency. In all other cases, the Director of Social Welfare may if they so desire, permit them to reside in the settlement. Provided that before such permissions granted, the Director of Social Welfare 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 clause (b) to (i) and clause (k) of rule 35.

(3) The settler shall exercise proper supervision over his dependents and shall not be an accessory to any breach or 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 (i) to (vi) of rule 36 and the punishment imposed on the settler concerned, if he Superintendent after making the necessary inquiry is satisfied that the settler did not exercise proper supervisions over his dependents or that the settler was accessory to the breach.

Explanation. - For the purpose of this rule, dependents mean the wife of the settler and his children under 16 years of age.

46. Visiting Committee. - (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) The District Magistrate;
- (ii) The Superintendent of Police;
- (iii) The Dy. Superintendent of Police;
- (iv) The Civil Surgeon (Director of Health Services) ;
- (v) The Director of Social Welfare;
- (vi) The Deputy Director of Social Welfare (**Correctional Administration**)
- (vii) The Assistant Director of Social Welfare (**Institution**);
- (viii) The Inspector General of Prisons;

(3) There shall be seven non-official members of the Committee who shall be appointed by the 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 at least five years. He should not be less than 30 years and more than 60 years of age. The Government may, however, relax the provisions of this sub-rule in favour of any person whom the Government considers suitable for appointment to 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 Government may at any time terminate the appointment of any non-official member before the expiry of his term of appointment without assigning any reasons. This should be given effect to by means of executive instructions.

47. Duty of members of 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 route 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 measures for discipline, employment and medical care 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 settler;

48. Copy of Proceedings of Meetings of Visiting Committee to be sent to Director of Social Welfare. - 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. Government may approve privately managed institution as corrective settlement. - (1) The 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 Act, an 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 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 shall 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 intramural 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 committed settler are liable for audit by the Department.
- (vi) Case Sheets of the settlers committed should be properly maintained with due regards 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. Cases of persons placed in corrective settlement to be reviewed by Board. - (1) The cases of all persons whose movements have been restricted or who are placed in corrective settlement under this Act shall be reviewed after six months by a Board consisting of the District Magistrate, the Deputy Director of Social Welfare (Correctional Administration) and the Superintendent of Police. The District Magistrate shall be the Chairman and the Superintendent of the Settlement shall be the ex-officio Secretary of the Board.

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

FORM A

(See rule 3)

Notice to Habitual Offender to appear in person

To

(Name, description and place of residence)

Whereas the Government of Dadra & Nagar Haveli and Daman & Diu has directed that a register of habitual offender should be made;

And whereas you are a habitual offender as defined in clause (f) of section 2 of the Dadra & Nagar Haveli and Daman & Diu Habitual Offenders Act, 1976 (hereinafter called as the "said Act");

Now, therefore as required by the provisions of section 4 of the said Act, I call upon you-

- (a) to appear before me in person on the .. day of ... 19 ... , at O'clock;
- (b) to furnish the following information, namely:-
(here insert the particulars required)
- (c) to allow your finger and palm impression, footprints and photographs to be taken; for the purpose of making an entry in the register and to show cause as to why such entry should not be made in the register.

District Magistrate
Officer appointed by the District
Magistrate

Dated:

FORM B

(See rule 4)

Register of Habitual Offenders under the Dadra & Nagar Haveli and Daman and Diu Habitual Offenders Act, 1976

(To be entered by the Officer
making the Register) Serial No ..

Caste ...

Sub Caste ...

No. and date of the order of registration ...

(1) Name with aliases of the habitual offender, Father's/ Husband's name.

(2) Residence at the

date of the order-

Village ...

Police Station ...

Taluka ...

District....

(3) Place of origin ...

Village ...

Police station ...

Taluka ...

District ...

(4) Place of proposed residence-

Village ...

Police station ...

Taluka ...

District ...

(5) Descriptive roll-

Age

Height.....

(6)(a) Area to which movements are restricted-

Village ...

Police Station ...

Taluka...

District...

(b) Manner in which required to report:

(7) Left thumb impression of the habitual offender.

(8) Signature and designation of the Officer making the register with date.

(9) Date of placing the register in the keeping of the Superintendent of Police ...

(10) Signature and designation of the Officer-in-Charge of the Register with date ...

(Entries to be made by the Superintendent of Police)

Serial No. according to each Police Station.

Date on which finger impression slip
sent to the Bureau.

Finger impression classification

Convictions

(Convictions before registration to be shown in red ink)

No.	Name under which convicted	Taluka Dist. & Court	Date	Section	Sentence	Name of Jail in which confined and number on Jail Register
1	2	3	4	5	6	7

1. Date and name of the Taluka and District to which transferred.
2. Name of settlement where sent with date of despatch ...
3. If put on probation, the date and nature of exemption granted.
4. Date on which restrictions re-imposed ...

FORM C

(See rule 10)

Temporary Absence Form

Issued to (Name ... son/Wife of

Caste

Reg. No

Resident of village ... who has... notified his/her intention to be temporarily absent from his/her residence...

Place or places he/she proposed to visit and persons he/she proposes to stop with.

Place	Probable date	Person or place where he/she will stop	Probable period of halt

Age and marks of identification/or thumb mark ...

Name of police station/village ...

..19 ..

Signature of the
officer Incharge of
the Police Station

Date of issue:

FORM D

(See rules 13 and 14)

Pass to be handed over to the restricted person to whom leave of absence from the area has been granted

1. Serial No ...
2. Name and father's or husband's name ...
3. Sex and Age ...
4. Caste and Sub-Caste ...
5. Period of absence sanctioned... From To
6. Place to Which proceeding ...
7. Route to be taken "" (Where proceeding.....
8. Business on which proceeding... (when returning ...
9. Name of the Police Station from which leave was granted and the date of issue.
10. Left thumb impression of the person,; granted leave ...

Signature of the officer
Issuing the Pass

Date and hour of

Leaving home	Arrival at	Reporting at Police Station.	Departure from	Return home	Signature of the person towhom the holder has reported himself

Remarks by the Officer-in-Charge of the Police

FORM E

(See rule 18)

(To be given to the Restricted Person)

Certificate of Identity to be given to a Restricted Person who has been given exemptions under rule 17

Register ...

Caste ...

Number

same as on the left side.

1. District ...
2. Name with aliases ...
3. Father's/Husband's name ...
4. Place of -original residence ...
5. Descriptive marks of identification with impression of left thumb.
6. Date of exemption ...
7. Nature of exemption ...

Note: This certificate is granted in accordance with the rule 18 of the Dadra & Nagar Haveli and Daman & Diu Habitual Offenders Rules, 1979.

- (1) It should be produced on demand by any Police Officer.
- (2) It should not be handed over to any other person for use.
- (3) The holder is bound to give his finger impression if demanded by any Officer-in-Charge of a Police

Station. Signature ... Date of issue:

The Superintendent of Police.

FORM F

(See rule 19)

Permanent Pass for Visiting Bazaar, etc.

1. Register No.
2. Name and father's or husband's name.
3. Age.
4. Caste and Sub-Caste.
5. Place, of nearest bazaar.
6. Days and hours when permitted to visit.
7. Period of absence sanctioned ... from ... to
8. Name of the Police Station within whose jurisdiction the person resides.
9. Left thumb impression of the person granted pass.

Signature ...

Date of issue.

Superintendent of Police

FORM G

(See rule 30)

Pass permitting a Settler to leave the limits of the settlement

1. Name of person to whom is granted.
2. Register No.
3. Village or settlement.
4. Taluka.
5. Period for which pass is valid... from... To ...
6. Name of the village or settlement to which he is permitted to go ...
7. Name of the person to whose house he is going.
8. Purpose of journey.
9. Places at which he must report on the way.
10. Time or times at which he should give roll call
11. Authority before whom he should give roll call.

Signature of the Officer granting pass. (On the reverse of the pass)

Village or settlement	Date and hour of report of arrival	Date and hour of report of departure	Signature of the person to whom the holder has reported himself
1	2	3	4

FORM H

(See rule 42)

Licence Discharging a Settler Conditionally

Name ...Caste ...

Register No. may be discharged from ...

settlement under the provision of rule 42 of the Dadra & Nagar Haveli and Daman & Diu Habitual Offenders Rules, 1979, provided he accepts the following conditions during the period of licence which shall be valid upto ...

- (a) He shall reside at ...Taluka ...
Village ...District ...
- (b) He shall refrain from joining any trade union or political organisation.
- (c) He will be of good conduct.
- (d) He will give weekly roll on Friday before the Officer-in-Charge of Police Station.
- (e) He will notify whenever he intends to be/absent from his place of residence for the night to, the Officer-in-Charge of a Police station in the same way as other restricted persons living in the area are required, to do.

In the event or the breach of any of the above conditions of which the Director of Social Welfare shall be the sole judge, the settler shall be liable to be replaced in a settlement by the Director or Social Welfare, the discharge on the licence being cancelled.

The period of licence will date from the time the settler moves from the limits of the settlement to reside in the above village after, accepting the above conditions.

Secretary to the Government of Dadra
& Nagar Haveli and Daman & Diu.

Date ...

The above conditions have been read over to me and I accept them.

Signature of the Settler

Explained by me and accepted by him.

superintendent. Settlement,

He left the settlement limits to reside in the above Village on

Superintendent. Settlement,

By Order and in the name of
Administrator, Dadra & Nagar Haveli
and Daman & Diu

Sd/—
(**Ashish Mohan**),
Director – cum –
Joint Secretary (Home),
Dadra & Nagar Haveli and Daman & Diu
