

ORISSA ACT XXIV OF 1952

THE ORISSA RESTRICTION OF HABITUAL  
OFFENDERS ACT, 1952

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1952]

AN ACT TO IMPOSE CERTAIN RESTRICTIONS ON HABITUAL  
OFFENDERS IN THE STATE OF ORISSA

**W**HEREAS it is expedient to impose certain  
restrictions on habitual offenders in the State  
of Orissa ;

It is hereby enacted as follows :—

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Orissa Restriction of Habitual Offenders Act, 1952.

(2) It extends to the whole of the State of Orissa.

(3) It shall come into force at once.

Definitions

2. In this Act, unless there is anything repugnant in the subject or context—

(a) “habitual offender” means a person who has been sentenced to substantive terms of imprisonment whether before or after the commencement of the Act,—

(i) for one or the other of the offences in Schedule I on two occasions,

(ii) for one or the other of the offences in Schedule II on three occasions,

(iii) for one of the offences in Schedule I and one of the offences in Schedule II on two occasions ;

*Explanation*—Any order made requiring a person to give security for good behaviour with reference to section 110 of the Code of Criminal Procedure, 1898 shall amount to the passing of a sentence of substantive imprisonment for one or other of the offences under the Indian Penal Code, 1860 as specified in Schedule II within the meaning of this clause.

(b) "notified offender" means a habitual offender in respect of whom a notification has been issued under section 3 and is in force ;

(c) "prescribed" means prescribed by rules made under this Act ;

(d) "settlement" means a settlement established or deemed to have been established under section 7.

Power  
to notify  
habitual  
offenders.

3. (1) The District Magistrate if satisfied that any person is a habitual offender may, for reasons to be recorded in writing, by notification—

(a) declare that he shall be subject to the provisions of this Act to such extent and subject to such restrictions, if any, as may be specified in the notification ;

(b) cancel or modify any such declaration.

(2) Before any notification is issued in respect of any person under clause (a) of sub-section (1) or modified to his disadvantage under clause (b) of the said sub-section, a reasonable opportunity shall be given to him to show cause against such issue or modification, as the case may be.

(3) The State Government may cancel any notification issued under sub-section (1) or modify the same on the application of a person affected by the same or without such an application.

Notified  
offenders  
to intimate  
residence  
and change  
of residence

4. As soon as a person is notified as habitual offender he shall—

(a) report himself at such intervals and notify his place of residence and any change or intended change of residence and any absence or intended absence from his residence in such manner and to such authority as may be prescribed.

(b) allow his finger impressions to be recorded by the prescribed authority :

Provided that the District Magistrate or any officer authorised by him in this behalf may exempt any such offender from reporting any temporary absence or intended absence from his residence, not exceeding such limit as may be prescribed.

Power to  
restrict  
movements  
of notified  
offenders.

5. (1) If in the opinion of the State Government it is expedient so to do, they may, by notification, declare that any notified offender shall be restricted in his movements to a specified area.

(2) Before making any such declaration, the State Government shall consider—

(i) the nature of the offences, if any, of which the offender has been convicted and the circumstances under which they were committed ;

(ii) whether the offender employs himself in any lawful occupation and whether such occupation is a real one or merely a pretence for facilitating the commission of offences ;

(iii) the suitability of the area to which his movements are to be restricted ; and

(iv) the manner in which it is proposed that he should earn his living in such area and the adequacy of the arrangements therefor.

Power to  
cancel or  
alter such  
restrictions.

6. The State Government may, by notification, cancel any declaration made under section 5 or alter any area notified under that section :

Provided that before issuing any such notification the State Government shall consider the matters referred to in sub-section (2) of section 5 in so far as they may be applicable.

Power to  
place  
notified  
offenders in  
settlements.

7. The State Government may for the purpose of this Act establish industrial, agricultural or reformatory settlements and may order any notified offender to be placed in any such settlement.

Power to  
discharge or  
transfer  
persons from  
settlements.

8. The State Government or any officer authorised by them in this behalf may at any time. by an order in writing, direct any notified offenders who may be in a settlement to be discharged, or transferred to any other settlement.

Power to  
subject  
voluntary  
residents in  
settlements  
to restric-  
tions and  
penalties.

9. The State Government may, by order, direct that any person voluntarily residing in any settlement shall be subject to all or any of the restrictions and penalties imposed by or under this Act on a notified offender placed in such settlement.

Penalties

10. Any notified offender who contravenes any of the provisions of this Act or any notification, rule or order made thereunder shall be punishable—



(a) on a first conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both ;

(b) on a second or subsequent conviction, with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both ;

Arrest of  
notified  
offenders.

**11. If a notified offender—**

(a) is found outside the area to which his movements have been restricted in contravention of the conditions under which he is permitted to leave such area, or

(b) escapes from any settlement in which he has been placed,

he may be arrested without warrant by any police officer, village headman or village watchman and taken before any Magistrate who, on proof of the facts, shall order him to be removed to such area or to such settlement, to be dealt with in accordance with the provisions of this Act and any rules made thereunder.

Rules for  
the removal  
of prisoners  
to apply in  
certain  
cases.

**12. Every law or rule for the time being in force governing the removal of prisoners shall apply to all persons ordered to be placed in a settlement under section 7 or to be removed under section 8 :**

Provided that no order from the State Government or the Inspector-General of Prisons shall be necessary for the removal of such persons.

Bar of  
jurisdiction.

**13. No Court shall question the validity of any notification or order, issued under this Act.**

Power to  
make rules.

**14. (1) The State Government may make rules to carry out the purposes of this Act.**

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate—

(a) all matters required or allowed by this Act to be prescribed :

(b) the intervals, manner and the authority to be prescribed under section 4 ;

(c) the restrictions to be observed under section 5 by notified offenders in respect of whom notifications have been issued under section 3 ;

(d) the grant of certificates of identity to notified offenders, and the inspection of such certificates ;

(e) the conditions under which notified offenders may be permitted to leave the area to which their movements are restricted or the places in which they are settled ;

(f) the inspection of the residences of notified offenders ;

(g) the terms upon which notified offenders may be discharged from the operation of this Act ;

(h) the management and supervision of settlements including the discipline and conduct of the persons placed in them ; and

(i) the periodical review of the cases of all persons who have been placed in any settlement under this Act.

(3) All rules made under this section shall be published in the Gazette, and upon such publication shall have effect as if enacted in this Act.

## **SCHEDULE I**

[ See Section 2 (a) ]

### **Sections of the Indian Penal Code**

- 302 Murder**
- 304 Culpable homicide not amounting to murder**
- 307 Attempt to murder**
- 308 Attempt to commit culpable homicide**
- 311 Being a thug**
- 382 Theft after preparation made for causing death, hurt or restraint in order to the committing of the theft.**
- 392 Robbery**
- 393 Attempt to commit robbery**
- 394 Voluntarily causing hurt in committing robbery**
- 395 Dacoity**
- 396 Murder in dacoity**
- 397 Robbery or dacoity, with attempt to cause death or grievous hurt.**
- 398 Attempt to commit robbery or dacoity when armed with deadly weapon**
- 399 Making preparation to commit dacoity**
- 400 Belonging to a gang of persons associated for habitually committing dacoity.**
- 401 Belonging to a wandering gang of persons associated for the purpose of habitually committing theft.**
- 402 Assembling for purpose of committing dacoity**
- 412 Dishonestly receiving stolen property knowing that it was obtained by dacoity.**
- 413 Habitually dealing in stolen property**
- 458 Lurking house-trespass or house-breaking by night, after preparation for hurt, assault or wrongful restraint.**
- 459 Grievous hurt caused whilst committing lurking house-trespass or house-breaking.**
- 460 All persons jointly concerned in lurking house-trespass or house-breaking by night punishable where death or grievous hurt is caused by one of them.**



## SCHEDULE II

[ See Section 2 (a) ]

### Sections of the Indian Penal Code

- 231 Counterfeiting coin
- 232 Counterfeiting Indian Coin
- 233 Making or selling instrument for counterfeiting coin
- 234 Making or selling instrument for counterfeiting Indian coin
- 235 Possession of instrument or material for the purpose of using the same for counterfeiting coin.
- 239 Delivery of coin, possessed with the knowledge that it is counterfeit.
- 240 Delivery of Indian coin possessed with the knowledge that it is counterfeit.
- 242 Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.
- 243 Possession of Indian coin by person who knew it to be counterfeit when he became possessed thereof.
- 326 Voluntarily causing grievous hurt by dangerous weapons or means.
- 327 Voluntarily causing hurt to extort property or to constrain to an illegal act.
- 328 Causing hurt by means of poison, etc., with intent to commit an offence.
- 329 Voluntarily causing grievous hurt to extort property or to constrain to an illegal act.
- 332 Voluntarily causing hurt to deter public servant from his duty
- 333 Voluntarily causing grievous hurt to deter public servant from his duty.
- 364 Kidnapping or abducting in order to murder
- 367 Kidnapping or abducting in order to subject person to grievous hurt, slavery, etc.
- 369 Kidnapping or abducting child under ten years with intent to steal from its person.
- 370 Buying or disposing of any person as a slave
- 371 Habitual dealing in slaves
- 379 Theft
- 380 Theft in a building, tent or vessel

- 381 Theft by clerk or servant of property in possession of Master of Employer.
- 384 Extortion
- 385 Putting person in fear of injury in order to commit extortion
- 386 Extortion by putting a person in fear of death or grievous hurt
- 387 Putting person in fear of death or of grievous hurt in order to commit extortion.
- 457 Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.
- 489-A counterfeiting currency-notes or bank-notes
- 489-B Using as genuine, forged or counterfeit currency-notes or bank-notes.
- 489-C Possession of forged or counterfeit currency-notes or bank-notes
- 489-D Making or possessing instruments or material for forging or counterfeiting currency-notes or bank-notes.