

उत्तर प्रदेश अभ्यस्त अपराधी प्रतिरोध अधिनियम, 1952

{उत्तर प्रदेश अधिनियम संख्या 38, 1952}

THE UTAR PRADESH HABITUAL OFFENDERS' RESTRICTION ACT, 1952

[U. P. ACT No. XXXVIII OF 1952]

उत्तर प्रदेश अभ्यस्त अपराधी प्रतिरोध अधिनियम, 1952¹

{उत्तर प्रदेश अधिनियम संख्या 38, 1952}

उत्तर प्रदेश अधिनियम संख्या 42, 1958 द्वारा संशोधित

mRrj izns" k fo/kku lHkk us fnuakd 25 flrEcj] 1952 bZ0 rFkk
mRrj izns" k fo/kku ifj'kn~ us fnukad 16 vDVwcj] 1952 bZ0 dh cSBd
esa Lohd`r fd;k A

^Hkkjr dk lafo/kku** ds vuqPNsn 201 ds vUrxZr jk'V^ifr us
fnukad 10 fnlEcj] 1952 bZ0 dks Lohd`r iznku dh vkSj mRrj izns"kh;
ljdkjh vlk/kkj.k xtV eas fnukad 15 fnlEcj] 1952 bZ0 dks izdkf"kr
gqvkaA

mRrj izns" k eas vH;Lr vijkf/k;kasa ij dqN izfrjks/k yxkus dh O;oLFkk ds fy;s

अधिनियम

;g vko";d gS fd mRrj izns" k eas vH;Lr vijkf/k;kas ij dqN izfrjks/k yxk;s tk;s

1-- (1) इस अधिनियम का नाम उत्तर प्रदेश अभ्यस्त अपराधी प्रतिरोध

laf{kIr "kh'kZuke]
foLrkj vkSj izkjEHk

अधिनियम 1052 अक्षर A

1/2 1/2 ;g lEiw.kZ mRrj izns" k eas izpfyr gksxkA

1/3 1/2 ;g rqjUr izpfyr gksxk A

2-- (1) विषय या प्रसंग में कोई बात प्रतिकूल न होने पर, इस अधिनियम में:- ifjHkk'kk,a

1/4d 1/2 ^HdksM** dk rkRi;Z dksM vkQ fdzfeuy izkslhtj] 1898 ls gS(1898 dk
,sDV la[k;k 5

1/4[k 1/2 ^Hftyk eftLV^sV** ds vUrxZr vfrfjDr ftyk
eftLV^sV 1/4,Mh"kuY डिस्ट्रिक्ट मजिस्ट्रेट) अथवा राज्य सरकार
द्वारा विशेष रूप से इस अधिनियम के अधीनजिला मजिस्ट्रेट के
कार्यो. का सम्पादन करने के लिये अधिकृत किया गया प्रथम
श्रेणीdk dksbZ vU; eftLV^sV Hkh gS (

1/4x 1/2 ^HvH;Lr vijk/kh** 1/4habitual offender 1/2 dk rkRi;Z
,sls O;fDr ls gS] जिसे इस अधिनियम के प्रचलित होने से पूर्व या
पश्चात् अनुसूची में उल्लिखित (set forth 1/2 fdlh ,d ;k vU; vijk/k ds
fy;s de ls de rhu i`Fkd&i`Fkd voljksa ij ekSfyd vof/k ds
dkjkokl 1/4substantive term of imprisonment 1/2 dk n.M fn;k x;k
gks] vkSj ,slk dkjkokl dk n.M vihy vFkok iqujh {k.k eas fujLr
1/4set aside 1/2 u dj fn;k x;k gks(

1/4?k 1/2 ^Hizfrjks/k vkKk** 1/4order of restriction 1/2 dk
rkRi;Z /kkjk 3 esa mfYyf[kr izdkj dh vkKk ls gS(

1/43 1/2 ^Hfu;r** 1/4prescribed) का तात्पर्य इस अधिनियम के
अधीन बनाये गयेनियमों द्वारा नियत से है ;

$\frac{1}{4}p^{\frac{1}{2}} \wedge^c Lrh^{**} \frac{1}{4}settlement^{\frac{1}{2}} dk rkRi;Z /kkjk 11 ds$
 $v/khu LFkkfir vFkok izekf.kr \frac{1}{4}established of certified^{\frac{1}{2}} cLrh ls gS$
 (

$\frac{1}{4}N^{\frac{1}{2}} \wedge^j kT; ljdkj^{**} dk rkRi;Z mRrj izns''k ljdkj ls gS ($
 1- mn~ns'';kasa vkSj dkj.kkas ds fooj.k ds fy;s fnukad 19 vxLr] 1952 dk ljdkjh vlk/kkj.k xtV nsf[k;s A
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 3&5A

(ज) इस अधिनियम में प्रयुक्त ऐसे शब्दों और पदों के,
 जिनकी परिभाषा इस अधिनियम में नहीं दी गई है, वही अर्थ होंगे जो
 कि कोड में उनके किये गये हैं।

$\frac{1}{2}^{\frac{1}{2}} ;fn dksbZ O;fDr lk/kkj.kr\% fdlh LFkku ij jgrk gks ;k$
 ogka ij jgus ds fy;s अपने अधिकार में कोई मकान रखता हो तो वह
 साधारणतः उस स्थान का निवासी समझातक;sxxA

3&& $\frac{1}{4}1^{\frac{1}{2}} izfrjks/k vkKk fy[kr :lk eas gksxh vkSj mlds }kjk fdlh Hkh O;fDr dks$
 $izfrjks/k vkKk$

निम्नलिखित में से एक या अधिक कार्य करने के लिये कहा जा सकता है, अर्थात्--

$\frac{1}{4}d^{\frac{1}{2}} fdlh ftys eas fdlh fufnZ'V \{ks= ds Hkhrj gh viuh$
 $xfrfof/k dks lhfer j[kuk ($

$\frac{1}{4}[k^{\frac{1}{2}} ,sls izkf/kdkjh dks vkSj ,slh jhfr ls] tks fu;r dh$
 tk;s] vius fuokl LFkku vkSj mleas fd;s x;s rFkk fd;s tkus okys
 izR;sd ifjorZu dh ;k ogka ls izR;sd vuqifLFkfr ;k vfHkizsr
 $\frac{1}{4}intended^{\frac{1}{2}} vuqifLFkfr dh lwpuk nsuk ($

$\frac{1}{4}x^{\frac{1}{2}} ,sls le; rFkk LFkku ij vkSj ,slh jhfr ls] tks fufnZ'V$
 dh tk;s] vius vkidks mifLFkr $\frac{1}{4}to report himself^{\frac{1}{2}} djuk A$

$\frac{1}{2}^{\frac{1}{2}} vkKk esa vU; fooj.k Hkh gksxas] tks fu;r fd;s tk;saA$

$\frac{1}{4}3^{\frac{1}{2}} dksbZ Hkh izfrjks/k vkKk mlds tkjh gksus ds fnukad ls$
 rhu o'kZ ds i'pkr~ lizHkko u jgsxh A

4&& $\frac{1}{4}1^{\frac{1}{2}} ;fn lwpuk feyus ij ftyk eftLV^sV dks larks'k gks tk;s fd$
 $dkshZ O;fDr] tks ml ftvs esa lk/kki kr\% iork okel vH-I r viik/kh oS vkSi$
 tkuh pkfg;s] rks og ukfVl }kjk ,sls O;fDr dks ,sls le; vkSj ,sls LFkku
 ij] tks fd ukfVl esa fufnZ'V fd;k x;k tk;s] mifLFkr gksdj vkKk izkIr
 djus dk vkns''k ns ldrk gS%

$izfrjks/k vkKk izkIr$
 $djus dh lwpuk$

किन्तु प्रतिबंध यह है कि इस अधिनियम में इससे पूर्व लिखी हुई
 किसी भी बात से $ftyk eftLV^sV ds fy;s ;g visf[kr ugha gksxk fd og$
 $yxk;s tkus okys izfrjks/kksa dks ukfVl es fufnZ'V dj nsa A$

$\frac{1}{2}^{\frac{1}{2}} mi/kkj \frac{1}{4}1^{\frac{1}{2}} ds vUrxZr] ftl O;fDr ds fo:) ukfVl tkjh$
 fd;k x;k gks og fuEufyf[kr eas ls fdlh vk/kkj ij ukfVl dk izfrokn
 $\frac{1}{4}contest^{\frac{1}{2}} dj ldrk gS] vFkkZr~\&\&$

$\frac{1}{4}d^{\frac{1}{2}} fd og ukfVl ds fnukad ij 18 o'kZ ls de mez dk Fkk ($

$\frac{1}{4}[k^{\frac{1}{2}} fd mls fn;s x;s dkjokl ds vfUre n.M dh vof/k dh$
 lekfr ds दिनांक और नोटिस के दिनांक के बीच तीन वर्ष से अधिक
 समय व्यतीत हो चुका है;

$\frac{1}{4}x\frac{1}{2}$ fd og vH;Lr vijk/kh $\frac{1}{4}$ habitual offender $\frac{1}{2}$ ugha gS A

$\frac{1}{4}3\frac{1}{2}$ dksbZ vU; lwpuk feyus ij ftyk eftLV^asV mi/kkj $\frac{1}{2}$ ds v/khu tkjh fd;s x;s uksfVl dks fdlh Hkh le; fujLr dj ldrk gS] fdUrq bl mi/kkj $\frac{1}{2}$ esa fdlh ckr dk ;g vFkZ ugha yxk;k tk;sxk fd og ml O;fDr dks filds uke uksfVl tkjh fd;k x;k gks] ;g अधिकार देती है कि वह उपधारा (2) में उल्लिखित आधारों से भिन्न किसी आधार पर नोटिसdk izfrokn dj ldrk gSA

5&& ml fLFkfr esa te fdlh ,sls O;fDr dk] filds fo:) /kkjk 4 dh mi/kkik $\frac{1}{4}1\frac{1}{2}$ ds v/khu uksfVl fdlh fd;k tk nqdk oksl irk n nv iok oks gks vFkok uksfVl mfpr jhfr ls rkehy gks tkus ds lk"pkr~ og lEc) ftyk eftLV^asV ds le{k mifLFkr u gksrk gks] rks ftyk eftLV^asV dksM ds v/k; 6 ds mica/kksa ds vuqlkj dk;Zokgh djsxk ekuks mDr uksfVl mDr dksM ds v/khu tkjh fd;k x;k okjaV Fkk A

mifLFkfr ds fy;s ck;/
djus dh izfdz;k

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/kkjk 6&10A

6&& $\frac{1}{4}1\frac{1}{2}$;fn lEc) O;fDr }kj izLrqr dh xbZ vkifRr;kas ij] ;fn dksbZ] gks vkSj ,slh tkap djus ds i'pkr~] ftls og mfpr le>s ftyk eftLV^asV dks ;g Kkr gks fd og uksfVl ds fnukad ij vBkjg o'kZ ls de mez dk gks है, तीन वर्ष से अधिक की अवधि व्यतीत हो चुकी है अथवा वह अभ्यस्त अपराधी (habitual offender $\frac{1}{2}$ ugha gks rks og mDr uksfVl dks mRlftZr $\frac{1}{4}$ discharge $\frac{1}{2}$ dj nsxk vkSj ;fn ,slk O;fDr /kkjk 5 ds v/khu dh xbZ fdlh Hkh dk;Zokgh ds vuqlkj vfHkj {kk $\frac{1}{4}$ custody $\frac{1}{2}$ eas gks rks mls rqjUr eqDr dj nsus dk funZs"n djsxkA

Lkwpuk $\frac{1}{4}$ uksfVl dh
lquokbZ vkSj vkKk
dh rkehy

$\frac{1}{4}2\frac{1}{2}$;fn mi/kkj $\frac{1}{4}1\frac{1}{2}$ ds v/khu uksfVl fujLr u fd;k tk; rks ftyk eftLV^asV mlds fo:) izfrjks/k vkKk ns nsxkA

7&& izfrjks/k vkKk nsrs le; ftyk eftLV^asV fuEufyf[kr ckrksa ij fopkj
dievle &

izfrjks/k vkKk nsrs
le; fopkj.kh; rF;

$\frac{1}{4}1\frac{1}{2}$ mu vijk/kksa dk izdkj] ftuds fy;s vH;Lr vijk/kh vfHk"nLr $\frac{1}{4}$ convict $\frac{1}{2}$ gqv Fkk vkSj os ifjLFkfr;ka] ftueas os vijk/k fd;s x;s gksa(

$\frac{1}{4}2\frac{1}{2}$ vH;Lr vijk/kh dk orZeku dke ;k is"kk(

$\frac{1}{4}3\frac{1}{2}$ ml {ks= dh mi;qDrrk] ftueas mldh xfrfof/k lhfer dh tkus okyh gks(vkSj

$\frac{1}{4}4\frac{1}{2}$,slh jhfr] ifjLFkfr;ka rFkk "krsZa] ftuds vuqlkj jkT; ljdkj] ,sls vH;Lr vijk/kh ds] filds fo:) /kkjk 6 dh mi/kkj $\frac{1}{4}2\frac{1}{2}$ ds vUrxZr izfrjks/k vkKk tkjh dh xbZ gks] jkstkj dh O;LFkk djsxA

8&& $\frac{1}{4}1\frac{1}{2}$ ftyk eftLV^asV }kj nh xbZ izfrjks/k vkKk eas le;≤ ij ifjorZu izfrjks/k
vkKk dk la"ks/ku

;k la"ks/ku dj ldrk gS vkSj vH;Lr vijk/kh dk izkFkZuk&i= izkIr gksus ij] fdlh vU; ftys ds ftyk eftLV^asV dh lgeftr ls mldks ,sls vU; ftys eas viuk fuokl LFkku ifjofrZr dj ysus dh vuqKk ns ldrk gS A

$\frac{1}{4}2\frac{1}{2}$ ml fLFkfr eas te fdlh vH;Lr vijk/kh dks mi/kkj $\frac{1}{4}1\frac{1}{2}$ ds v/khu fdlh vU; ftys eas viuk fuokl LFkku ifjofrZr djus dh vuqKk nh xbZ gks rks ,sls vU; ftys dk ftyk eftLV^asV izfrjks/k dh vkKk dks ifjofrZr ;k la"ksf/kr] tSlk Hkh og vko";d le>s] dj ldrk gS] fdUrq ,sls leLr ifjorZu ;k la"ks/ku fuokl LFkku eas ifjorZu fd;s tkus ds le; ls gh lizHkko gksaxs u fd mlls iwoZA

9&& ;fn dksbZ vH;Lr vijk/kh] ftlds fo:) /kkjk 6 ds v/khu izfrjks/k vkKk nh x:h okel /kkjk 8 dh mi/kkjk ¼1½ ds v/khu nh x:h fdlh vkKk ds LFkku fdlh vU; ftys esa ifjofrZr djsa] rks ,sls vH;Lr vijk/kh ds laca/k esa vU; ftys ds जिला मजिस्ट्रेट को वही अधिकार प्राप्त होंगे, जो उस जिले के जिला मजिस्ट्रेट को थे, जिसने vkj fEHkd vkKk nh FkhA

vH;Lr vijk/kh dk izotu ¼migration½

10&& ftyk eftLV^asV fu;r jhfr ls vkSj fu;r fojkeksa ¼intervals½ ij ,sls lHkh

iqufoZyksdu

¼review½

vH;Lr vijkf/k;ksa ds ekeyksa dk nks vlsjksa dh lgk;rk ls iqufoZyksdu ¼review½ dj ldrk gS] ftu ij /kkjk 6 ds v/khu izfrjks/k vkKk rkehy dh x:h gks] bl ckr ds fu"p; djus ds fy;s fd mu ij yxk;s x;s izfrjks/kksa dks gVk;k tkuk okaNuh; gS ;k ugha %

fdUrq izfrcak ;g gS fd igyk iqufoZyksdu izfrjks/k vkKk ds fnukad ls rhu ekl ds Hkhrj gh gksxkA

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;/kkjk 11&16A

11&& ¼1½ jkT; ljdkj vH;Lr vijkf/k;ksa ¼habitual offenders½ dks fy;s vkS]ksfxd] d'fkd ;k vU; cfLr;ka ¼industrial, agricultural or other LFkknfr dj ldrh gS vkSj mUgSa cuk;s j[k ldrh gS A

lq/kkj d cfLr;ksa (reformatory settlement) vkfn dh LFkknfr

¼2½ jkT; ljdkj] fdlh Hkh ,slh cLrh dks] ftldk izca/k futh O;fDr;ksa ds gkFk esas gks] vH;Lr vijkf/k;ksa dh HkhrjZ ds fy;s mi;qDr izekf.kr dj ldrh gSA

12&& ¼1½ ;fn ,slh vof/k dh lekflr ds iwoZ] ftlds fy;s /kkjk 6 ds v/khu izfrjks/k vkKk nh x:h gks] fdlh Hkh le; ftyk eftLV^asV dk ;g er gks nsus ds ckn] mls le;≤ ij bruk c<+k ldrk gS fd dqy vof/k dk ;ksx rhu o'kZ ls अधिक न हो।

izfrjks/k vkKk vkfn ;k cLrh esa Bgjus dh vof/k dk c<+k; tkuk

¼2½ mi/kkjk ¼1½ ds v/khu dk;Zokgh nks vlsjksa dh lgk;rk ls gksxh A

13&& ¼1½ ftyk eftLV^asV /kkjk 10 ds v/khu izfrjks/k dks gVkus ;k mlesa vU;

vlsjksa dh jk;

izdkj la"kks/ku djus ;k mls tkjh j[kus dh vFkok /kkjk 12 ds v/khu vof/k c<+kus dh vkKk nsus ls iwoZ izR;sd vlsj ls viuh jk; ekSf[kd :Ik esa izdV djus ds fy;s dgsxk vkSj bl iz;kstu ls ,sls iz"u iwN ldrk gS] tks mldh jk; ekywe djus ds fy;s vko";d gksA ,sls lc iz"u vkSj muds mRrj vfHkfyf[kr fd;s tk;sxa A

¼2½ blds ckn ftyk eftLV^asV viuh vkKk nsxk fdUrq ,slk djus esa og vlsjksa dh jk; ekuus ds fy;s ck/; ugha gksxk A

14&& vlsj ,slh ;ksX;rk ds gksxsa vkSj ,slh jhfr ls pqus vkSj fu;qDr fd;s tk;sxa] tks fu;r dh tk;A

vlsjksa dh ;ksX;rk vkSj fu;qDr

15&& ¼1½ ;fn dksbZ O;fDr] ftlds fo:) izfrjks/k vkKk tkjh dh x:h gks vkSj ऐसी आज्ञा सप्रभाव हो, ऐसी आज्ञा या नियम के उपबंधों का उल्लंघन करने के लिए ;k के v/khu muds fo:) dh tkus okyh vU; dk;Zokgh ds vfrfjDr mls cLrh ls ckjg ekl ds लिये या ऐसे अधिक समय के लिये जो तीन वर्ष से अधिक न हो और जिसे मजिस्ट्रेट निश्चित djsa] vkls/k ¼confinement½ dk n.M fn;k tk ldrk gS A

प्रतिरोधाज्ञा या नियमों के Hkax fd;s tkus ij n.M

$\frac{1}{2}$ dksM esa fdlh Hkh ckr ds gksrs gq;s] dksbZ Hkh izFke
Js.kh dk eftLV^asV mi/kkj $\frac{1}{4}$ ds v/khu cLrh eas rhu o'kZ rd ds
vkls/k dk n.M ns ldrk gSA

16&& ;fn dksbZ O;fDr] ftlds fo:) izfrjks/k vkKk ;k /kkjk 15 ds v/khu fdlh
cLrh eas vkls/k dh vkKk nh x;h gks&&

mu vH;Lr vijkf/k;ksa
dk fxjrkj fd;k tkuk
ds ckgj

ik;s tk;s $\frac{1}{4}$ fcuk vkKk ;k izos" k&i= $\frac{1}{4}$ ikl $\frac{1}{2}$ ds] ftls fu;r fd;k x;k gks] ,slh
cLrh ;k ,sls {ks= dh lhekvska ds] ftlds Hkhrj mldh xfrfof/k lhfer dh x;h gks]
ckgj ;k ,sls LFkku esa ;k ,sls le; ij ftlds fy;s mlds izos" k&i= $\frac{1}{4}$ ikl $\frac{1}{2}$ dh
"krksZa ds vuqlkj vuqefr u gks] ik;k tk;s] ;k

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17&20A

/kkjk

$\frac{1}{4}$ [k $\frac{1}{2}$ fdlh cLrh ls fudy Hkkxs ;k NksM+ ns rks fcuk
fdlh okjaV ds fdlh पुलिस अधिकारी या बस्ती के किसी ऐसे
कर्मचारी द्वारा, जो राज्य सरकार की किसीसामान्य या विशेष आज्ञा
द्वारा इस बात के लिये अधिकृत किया गया हो, गिरफ्तारfd;k tk ldrk
gS] vkSj fdlh izFke Js.kh ds eSftLV^asV ds lEeq[k mifLFkr
fd;k जा सकता है, जो इस अधिनियम के अनुसार उसके विरूद्ध
कार्यवाही करने केmn~ns"; ls mls ,sls {ks= ;k cLrh esa tSlh
Hkh fLFkfr gks] gVk;s tkus dh vkKk nsxkAA

17&& jkT; ljdkj dh iwoZ vuqefr ls ftyk eftLV^asV fdlh vH;Lr vijk/kh dks ,d
cLrh ls gVkdj nwljh cLrh eas Hkst ldrk gS A

vH;Lr vijk/kh dk
LFkkukUrj.k
izfdz;k

18-- कोड के अध्याय 20 के उपबंध, जहं तक हो सके, इस अधिनियम की

6 vkSj 12 ds v/khu O;ogkjksa $\frac{1}{4}$ proceedings $\frac{1}{2}$ ij mlh izdkj ykxw
gkasxs] tSlk fd os fdlh lEeu ds O;ogkjksa $\frac{1}{4}$ summons case $\frac{1}{2}$ dh fLFkfr
eas ykxw gksrs gSaA

19&& fuEufyf[kr ds v/khu fdlh dk;Zokgh esa nh x;h vkKk ds fo:) dksbZ
vihy ugha gks ldsxh %&&

न्यायालयों के
अधिकार {ks=ksa dk

$\frac{1}{4}$ d $\frac{1}{2}$ /kkjk 6] ;k

$\frac{1}{4}$ [k $\frac{1}{2}$ /kkjk 8 dh mi/kkj $\frac{1}{4}$ $\frac{1}{2}$;k $\frac{1}{4}$ $\frac{1}{2}$] ;k

$\frac{1}{4}$ x $\frac{1}{2}$ /kkjk 9] 10 vkSj 12] ;k

$\frac{1}{4}$?k $\frac{1}{2}$ vH;Lr vijk/kh dks ml {ks= esa] ftlds Hkhrj
mldh xfrfof/k lhfer dh x;h gks ;k ml cLrh esa] tgka mls j[ks
tkus dh vkKk nh x;h gks] igq;pkus ds laca/k eas /kkjk 16 ds
v/khu (

vkSj ,slh vkKk vfUre gksxh vkSj mlds laca/k esa fdlh
U;k;ky; eas vkifRr ugha dh tk ldsxhA

20&& $\frac{1}{4}$ $\frac{1}{2}$ jkT; ljdkj] ljdkjh xtV esa foKfIr }kj vkSj iwoZ izdk"ku dh "krZ
नियम

के अधीन, इस अधिनियम के प्रयोजनों को कार्यान्वित करने के लिये नियम बना सकती है।

(2) विशेषकर और पूर्व गत अधिकार की व्यापकता को बाधित न
करते हुए ऐसे नियमोंesa fuEukafdr ds fy;s O;oLFkk dh tk ldrh gS &&

$\frac{1}{4}$, d $\frac{1}{2}$ /kkjk 4 ds v/khu ukxfVL dk vkdkj $\frac{1}{4}$ QkeZ $\frac{1}{2}$ (

$\frac{1}{4}nks\frac{1}{2}$,sls {ks=} ftleas fdlh vH;Lr vijk/kh dh xfrfof/k lhfer dh tk;s vkSj mu izfrjks/kksa dk izdkj ftudk ikyu djuk ,sls O;fDr;ksa ds fy;s vko";d gksxk(

$\frac{1}{4}rhu\frac{1}{2}$ NqV~Vh dh "krsZa vkSj izos"k&i=ksa dk :lk] vkSj "krsZa ftuds v/khu vH;Lr vijkf/k;ksa dks ,sls {ks=} ftuds Hkhrj mudh xfrfof/k lhfer dj nh xbZ gks ;k ,slh cLrh] ftleas os j[ks x;s gksa] NksM+us dh vuqefr nh tk ldrh gS (

$\frac{1}{4}pkj\frac{1}{2}$,sls vH;Lr vijkf/k;ksa dks ftuds fo:) izfrjks/k vkKk nh x;h gksa] f'kuk[r dk izek.k&i= nsuk] vkSj ifjLFkfr;ka ftueas mUgsa bl izdkj ds izek.k&i=ksa dh tkap ds fy;s izLrqr djuk iM+sxk (

$\frac{1}{4}ikap\frac{1}{2}$ cfLr;ksa dk dk;Z lapkyu] izca/k] fu;a=.k djuk rFkk mudh ns[k&js[k (

1. उ0प्र0 अधिनियम संख्या 42, 1958 की धारा 3 द्वारा प्रतिस्थापित ।

{उत्तर प्रदेश अभ्यस्त अपराधी प्रतिरोध अधिनियम, 1952}

;/kkjk 21A

$\frac{1}{4}N\% \frac{1}{2}$,slh cfLr;ksa ds izekf.kr djus dh jhfr vkSj "krsZa] ftudk izcU/k futh :lk ls fd;k tkrk gks (

$\frac{1}{4}lkr\frac{1}{2}$ vH;Lr vijkf/k;ksa dks cLrh eas HkhrZ djuk] ogka ls mUgs eqDr djuk rFkk bl laca/k esa vuqlj.k dh tkus okyh izfdz;k (

$\frac{1}{4}vkB\frac{1}{2}$ "krsZa vkSj ifjLFkfr;ka] ftuds v/khu vH;Lr vijk/kh ds dqVqEc ds lnL;ksa dks cLrh esa muds lkFk Bgjus dh vuqKk nh tk;s (

$\frac{1}{4}ukS\frac{1}{2}$ vuq"kklu laca/kh dk;Zokgh] tks fdlh cLrh ls fudy Hkxxus dk iz;Ru करने वाले अथवा किसी अन्य प्रकार से समय विशेष पर प्रचलित नियमों का उल्लंघनdjus okys O;fDr;ksa ij ykxw gkasxh (

$\frac{1}{4}nl\frac{1}{2}$ vlsjksa dks cqykuk vkSj mudks ;kaf=d rFkk nSfud HkRrk nsuk (

$\frac{1}{4}X;kjg\frac{1}{2}$ izfrjks/k vkKkvksa dk vfHkys[k j[kus ds fy;s jftLVj (

$\frac{1}{4}ckjg\frac{1}{2}$ vaxqyh Nki ysus dh jhfr (vkSj

$\frac{1}{4}rsjg\frac{1}{2}$,sls fo'k:] tks fu;r fd;s tk;a ;k fu;r fd;s tkus okys gksaA

21&& le; fo'ks'k ij izpfyr fdlh fof/k ds v/khu izfrjks/k $\frac{1}{4}$ restriction $\frac{1}{2}$;k viokn

vojs/k $\frac{1}{4}$ detention) की आज्ञा देने के संबंध में किसी समर्थ प्राधिकारी के अधिकारों पर इस अधिनियम के अधीन दी हुई किसी बात का प्रभाव नहीं पड़ेगा और इस अधिनियम के अधीन दीx;h izfrjks/k vkKk ;k cLrh eas j[kus dh dksbZ vkKk] tgka rd fd og ,slh vU; fof/k ds v/khu leFkZ izkf/kdkjh }kjk nh x;h fdlh vkKk ls vlaxr gks rc rd] vizo`Rr $\frac{1}{4}$ inoperative $\frac{1}{2}$ le>h tk;sxh tc rd fd ,slh nwljh fof/k ds v/khu nh x;h vkKk lizHkko jgsa A

vuqlwph

;/kkjk 2 dh mi/kkjk $\frac{1}{4}1\frac{1}{2}$ dk [k.M $\frac{1}{4}x\frac{1}{2}$ nsf[k;sA

/kkjk;sa

bafM;u ihuy dksM ds vUrxZr vijk/k

231 tkyh fIDds cukuk ¼counterfeiting coins½ A
 232 tkyh Hkkjrh; fIDds cukuk ¼counterfeiting Indian coins½ A
 233 tkyh fIDds cukus ds fy;s midj.kdk fuekZ.k] dz; ;k fodz; A
 234 tkyh Hkkjrh; fIDds cukus ds fy;s midj.k dk fuekZ.k] dz; ;k
 235 fodz;A tkyh fIDds cukus ds dke esa ykus ds fy;s midj.k ;k
 lkavzh dks vine
 dCts eas j[kuk A

239 ,sls fIDds dk viZ.k ¼delivery½] tks bl tkudkj ds lkFk dCts eas
 gks fd og tkyh gS A

240 ,sls Hkkjrh; fIDds dk viZ.k] tks bl tkudkj ds lkFk dCts eas
 gks fd og tkyh gS A

242 fdllh ,sls O;fDr }kjk fdllh tkyh fIDds dk dCts esa j[kk tkuk] ftls
 fIDdk izkIr gksus ij ;g ekywe gks x;k gks fd og tkyh gSA

{उत्तर प्रदेश अभ्यस्त अपराधी प्रतिरोध अधिनियम, 1952}

vuqlwph

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243 fdllh ,sls O;fDr }kjk Hkkjrh; fIDdk vius dCts esa j[kk tkuk] ftls
 fIDdk izkIr gksus ij ;g ekywe gks x;k gks fd og tkyh gS A

302 gR;k ¼murder½ A

304 n.Muh; uj gR;k ¼culpable homicide½ tks uj gR;k u le>h tk;s A

307 gR;k djus dk iz;Ru ¼attempt to murder½ A

308 n.Muh; uj gR;k ¼culpable homicide½ djus ds fy;s iz;Ru A

311 Bx gksuk ¼being a thug½ A

326 Hk;kog vL=ksa ;k lk/kuksa ¼dangerous weapons or means½ }kjk LosPNk ls
 nqLlg vk?kkR ¼greivous hurt½ igqWpkuk A

327 IEifRr ds fud'kZ.k ¼extortion½ ds fy;s ;k voS/k dk;Z ds fy;s foo'k djus
 ds iz;kstus ls LosPNk ls vk?kkR igqWpkuk A

328 dksbZ vijk/k djus ds vfHkizk; ls fo'k bR;kfn }kjk vk?kkR igqWpkuk A

329 IEifRr ds fud'kZ.k ¼extortion½ ds fy;s ;k voS/k dk;Z ds fy;s foo'k djus
 ds iz;kstus ls LosPNk ls nqLlg ¼grievous hurt½ vk?kkR igqWpkuk A

333 jkT; deZpkjh dks Mjk /kedk dkj vius drZO;ksa dk ikyu djus ls jksdus
 ds fy;s LosPNk ls nqLlg ¼grievous hurt½ vk?kkR igqWpkuk A

363 vigj.k ¼kidnapping½ A

364 tku ls ekjus ds fy;s vigj.k djuk ;k cgdkuk A

365 jgL;iw.kZ rFkk vuqfpr <ax ls fdllh O;fDr dks can djus ds fopkj ls
 vigj.k djuk ;k cgdkuk A

369 nl o'kZ ls de o;Lk okys f'k"q ¼child½ ds "kjhj ls dksbZ oLrq pqjkus ds
 vfHkizk; ls mldk vigj.k ¼kidnapping½ A

376 cykRdkj ¼rape½ A

377 vizkd' frd vijk/k ¼unnatural offence½ A

380 fuokl LFkku eas pksjh A

382 pksjh ds iz;sktu ls e`R;q djus] vk?kk r igqWpkus ;k fujks/k ¼restraint½ eas
j[kus ds fy;s rS;kjh djus ds i'pkr pksjh A

384 fud"kZ.k ¼extortion½ A

385 fud"kZ.k ds iz;kstu ls O;fDr fo"ks'k dks pksV ¼injury½ dk Hk; fn[kkuk A

386 fud"kZ.k ¼extortion½ ds iz;kstu ls O;fDr fo"ks'k dh e`R;q ;k nqLlg vk?kk
¼grievous hurt½ dk Hk; fn[kkjd fud"kZ.k ¼extortion½ A

392 ywVekj ¼robbery½ A

393 ywVekj ¼robbery½ djus dk iz;Ru djuk A

394 ywVekj ¼robbery½ eas LosPNk ls vk?kk r igqWpkuk A

395 MdSrh ¼Dacoity½ A

396 gR;k ds lkFk MdSrh A

{उत्तर प्रदेश अभ्यस्त अपराधी प्रतिरोध अधिनियम, 1952}

vuqlwph

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397 ywVekj ;k MdSrh ftleas e`R;q ;k nqLlg vk?kk r djus dk iz;Ru fd;k
tk;sA

398 ?kkrd vL= ls l"klr gksdj ywVekj djus ;k MdSrh dk iz;Ru A

399 MdSrh dh rS;kjh djuk ¼preparation for committing dacoity½ A

400 Mkdqvkas ds fxjksk eas gksuk A

402 MdSrh ds iz;kstu ls ,df=r gksuk A

411 pqjkbZ gqbZ lEifRr dks csbZekuh ls xzg.k djuk A

412 MdSrh eas pqjkbZ gqbZ lEifRr dks csbZekuh ls xzg.k djuk A

436 x`g vkfn dks u`V djus ds vfHkizk; ls vfXu ;k foLQksVd inkFkZ }kjk
vid`R; ¼mischief½ A

457 fdllh ,sls vijj/k dks djus ds iz;kstu ls flds fy;s dkjokl dk n.M
fn;k tk ldr gks] jkf= eas pkS;Z x`gkfrdze.k ¼lurking house trespass½
;k lsa/k yxkuk ¼house breaking½ A

458 pksV igqapkus] izgkj djus ;k vuf/kdkj jksd yxkus ¼wrongful restraint½
ds fy;s rS;kjh djus ds i'pkr jkf= eas pkS;Z x`gkfrdze.k ¼lurking house
trespass½ ;k lsa/k yxkuk ¼housebreaking½ A

459 pkS;Z x`gkfrdze.k ¼lurking house trespass½ ;k lsa/k yxkrs ¼breaking½
le; fd;k x;k nqLlg vk?kk r A

460 jkf= eas pkS;Z x`gkfrdze.k ¼lurking house trespass½ ;k lsa/k yxkus
¼breaking½ ds dk;Z esa la;qDr :lk ls lEc) lHkh O;fDr n.Muh; gksa] ;fn
mueas ls fdllh Hkh O;fDr }kjk fdllh dh e`R;q gks x;h gks ;k nqLlg pksV
igq;pk;h x;h gks A

489&d tkyh djasUlh uksV ;k cSad uksV cukuk A

ACT, 1952¹**[U. P. ACT No. XXXVIII OF 1952]**

Amended by U. P. Act no. XLII of 1958

[Passed in Hindi by the Uttar Pradesh Legislative Assembly on September 25, 1952 and by the Uttar Pradesh Legislative Council on October 16, 1952.]

Received the assent of the President on December 10, 1952, under Article 201 of 'the Constitution of India' and was published in the Uttar Pradesh Gazette Extraordinary, dated December 15, 1952]

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to make provision for imposing certain restrictions on habitual offenders in Uttar Pradesh

Whereas it is expedient to impose certain restrictions on habitual offenders in Uttar Pradesh;

It is hereby enacted as follows:

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|--|--|
| Short title,
extent and
commencement | 1. (1) This Act may be called the Uttar Pradesh Habitual Offenders' Restriction Act, 1952.
(2) It extends to the whole of Uttar Pradesh.
(3) It shall come into force at once. |
| Definitions | 2. (1) In this Act, unless there is anything repugnant in the subject or context --
(a) "Code" means the Code of Criminal Procedure, 1898 ;
(b) "District Magistrate" includes the Additional District Magistrate or any Magistrate of the First Class specially empowered by the State Government to perform the functions of the District Magistrate under this Act;
(c) "habitual offender" means a person who before or after the commencement of this Act, has been sentenced to a substantive term of imprisonment, such sentence not having been set aside in appeal or revision, on not less than three different occasions for one or another of the offences set forth in the Schedule ;
(d) "order of restriction" means an order of the nature mentioned in section 3 ;
(e) "prescribed" means prescribed by rules made under this Act ;
(f) "settlement" means a settlement, established or certified under section 11 ;
(g) "State Government" means the Government of Uttar Pradesh; |

[The Uttar Pradesh Habitual Offenders' Restriction Act, 1952]

[Section 3-5]

- (h) words and expressions used but not defined in this Act shall have the meaning assigned to them in the Code.
- (2) A person shall be deemed to be ordinarily residing at a place if he ordinarily lives there or maintains a house therein ready for occupation by him.

Order of
restriction

3. (1) An order of restriction shall be in writing and may require a person to do one or more of the following things, that is to say-

(a) to restrict his movement to any specified area, within a district ;

(b) to intimate to such authority and in such manner, as may be prescribed, his place of residence, every change or intended change thereof or any absence or intended absence therefrom ; or

(c) to report himself at the time and at the place and in the manner specified.

(2) The order shall contain such other particulars as may be prescribed.

(3) No order of restriction shall remain in force beyond three years from the date of its making.

Notice to
receive the
order of
restriction

4. (1) If the District Magistrate is, upon information received, satisfied that a person ordinarily residing in the district is an habitual offender and that an order of restriction should be passed against him, he may by notice require such person to appear at such time and place as may be specified in the notice to receive the order :

Provided that nothing hereinbefore contained shall be deemed to require the District Magistrate to specify in the notice the restriction sought to be imposed.

(2) The person against whom notice has been issued under sub-section (1) may contest it on any of the following grounds and no other, namely that- -----

(a) he was less than 18 years of age on the date of notice ;

(b) a period of more than three years has intervened between the date of notice and the expiry of the term of the last sentence of imprisonment passed against him;

(c) he is not an habitual offender.

(3) It shall be lawful for the District Magistrate upon receipt of any additional information to rescind at any time the notice issued under sub-section (1) but nothing in this sub-section will be construed to entitle the person against whom notice has been issued to contest it on any ground other than that mentioned in sub-section (2).

Procedure to
compel
attendance

5. Where a person against whom a notice has been issued under sub-section (1) of section 4, is not traceable, or fails to receive the notice or after due service of the notice fails to appear before the District Magistrate concerned, the District Magistrate may proceed in accordance with the provisions of Chapter VI of the Code as if the notice were a warrant issued under the said Code.

[The Uttar Pradesh Habitual Offenders' Restriction Act, 1952]
10]

[Section 6-

Hearing of the
notice and
service of the
order

6. (1) If, after considering the Objections, if any, of the person concerned and holding such other enquiry as he may think fit, the District Magistrate finds that he was less than 18 years of age on the date of notice or that a period of

more than three years, as aforesaid, had intervened, or that he is not an habitual offender, he shall discharge the notice, and if such person is in custody in accordance with any proceeding under section 5 direct him to be released forthwith.

(2) If the notice is not discharged under sub-section (1) the District Magistrate shall pass an order of restriction against him.

Factors to be taken into consideration in making order of restriction	7.	In making an order of restriction, He District Magistrate shall take into consideration : (i) the nature of the offences of which the habitual offender was convicted and the circumstances in which they were committed; (ii) the present employment or occupation of the habitual offender , (iii) the suitability of the area to which his movements are to be restricted, and (iv) the manner, circumstances and the conditions in which the State Government shall make provision for the employment of an habitual offender against whom an order of restriction has been passed under sub-section (2) of section 6.
Amendment of the order of restriction	8.	(1) The District Magistrate may, from time to time, vary or amend the order of restriction made by him, and he may also, on the application of the habitual offender, allow him to change his residence to another district with the concurrence of the District Magistrate of such other district. (2) Where an habitual offender has been allowed to change his residence to another district under sub-section (1), the District Magistrate of such other district may vary or amend the order of restriction as he may deem necessary, but all such variations Or amendments shall take effect from the moment of change of residence and not earlier.
Migration of habitual offender	9.	If an habitual offender against whom an order of restriction has been made under section 6, changes his residence to another district in pursuance of an order under sub-section (1) of section 8, the District Magistrate of such other district shall have the same power in regard to the habitual offender as the District Magistrate who originally made the order.
Review	10.	The District Magistrate may in the prescribed manner and at prescribed intervals, review with the aid of two assessors, the cases of all habitual offenders upon whom orders of restriction have been served under section 6 for ascertaining the desirability of removing the restrictions imposed upon them : Provided that the first review shall be held not later than three months from the date of the order of restriction.
[The Uttar Pradesh Habitual Offenders' Restriction Act, 1952]		[Section 11-16]
Establishment of or of reformatory settlements, etc. to	11.	(1) The State Government may establish and maintain industrial, agricultural other settlements for the purpose of reforming of habitual offenders. (2) The State Government may also certify any privately managed settlement be fit for the reception of habitual offenders.
Extension of the period of restriction etc. or stay in settlement	12.	(1) If at any time before the expiry of the period, for which an order of restriction has been made under section 6, the District Magistrate is of the opinion that it is necessary to extend it, he may, after giving an opportunity to the person concerned to show cause, extend the same from time to time so however that the total period does not exceed in the aggregate three years. (2) The proceedings under sub-section (1), shall be with the aid of two assessors.
Opinion of assessors	13.	(1) The District Magistrate shall, before making an order removing or otherwise modifying or continuing any restriction under section 10 or extending the period under section 12, require each of the assessors to State his opinion orally and for that purpose may ask the assessors such questions

as are necessary to ascertain what their opinions are. all such questions and the answers to them shall be recorded.

(2) The District Magistrate shall then make his order but in doing so, he shall not be bound to conform to the opinion of the assessors.

Qualification and appointment of assessors	14.	The assessors shall hold such qualification and be selected and appointed in such manner as may be prescribed.
Penalties for breach of restriction order or rules	15.	(1) Whoever, being a person against whom an order of restriction has been passed and such order is in force, contravenes any of the provisions of the order or the rules shall, over and above any action that may be taken against him under section 16, be punishable with confinement in settlement for 12 months or such larger term not exceeding three years as the Magistrate may fix. (2) Notwithstanding anything contained in the Code, a Magistrate of the first class may pass a sentence of confinement in settlement under sub-section (1), for a term up to three years.
[Arrest of habitual offenders found beyond prescribed limits or settlement	16.	Whoever being a person against whom an order of restriction. or an order of confinement in settlement under section 15 has been made- ---- (a) is found, beyond the limits of the settlement or area to which his movements have been restricted, without leave or pass, as may be prescribed, or in a place or at a time not permitted by the conditions of his pass, or
[The Uttar Pradesh Habitual Offenders' Restriction Act, 1952]		[Section 17-20]
		(b) escapes or departs, from a settlement, may be arrested without warrant by any police officer or any official of the settlement empowered in this behalf by a general or special order of the State Government, and may be taken before a Magistrate of the first class, who shall order him to be removed to such area or settlement, as the case may be, to be dealt with in accordance with this Act.]¹
Transfer of habitual offender	17.	An habitual offender may with the previous sanction of the State Government be transferred from one settlement to another by the District Magistrate.
Procedure	18.	The provisions of Chapter XX of the Code shall apply, as far as may be, to the proceedings under sections 4, 6 and 12 of this Act as they apply to a summons case.
Jurisdiction of courts barred	19.	No appeal shall lie from an order passed in any proceeding under- -- (a) section 6; or (b) sub-section (1) or (2) of section 8; or (c) sections 9, 10 and 12; or (d) section 16 for the removal of the habitual offender to the area to which his movements have been restricted or to a settlement in which he has been ordered to be placed, and the same shall be final and shall not be questioned in any court.
Rules	20.	(1) The State Government may, by notification in the official Gazette, and subject to the condition of previous publication, make rules for carrying into effect the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for,-

(i) form of the notice under section 4 ;

(ii) the areas to which the movements of any habitual offender may be restricted and the nature of the restrictions to be observed by such person;

(iii) the conditions of leave and the form and conditions of passes under which habitual offenders may be permitted to leave the area to which their movements have been restricted or the settlement in which they have been placed;

(iv) the grant of certificate of identity to habitual offenders, against whom an order of restriction has been made, and the circumstances in which they shall produce such certificates for inspection;

(v) the working, management, control and supervision of settlements ;

1. Substituted by section 3 of U.P. Act No. 42 of 1958.

[The Uttar Pradesh Habitual Offenders' Restriction Act, 1952]

[Section 21]

(vi) the conditions and the manner of certifying privately managed settlements ;

(vii] the admission of habitual offenders to the settlement, their discharge there from and the procedure to be followed :

(viii] the conditions and the circumstances under which the members of family of the habitual offenders may be permitted to stay with him in the settlement ;

(ix) the discipline to which persons, endeavouring to escape from any settlement or otherwise offending against the rules for the time being in force, shall be subject,

(x) the summoning of assessors and payment of travelling and daily allowances to them;

(xi) maintenance of the register for keeping a record of the orders of restriction;

(xii) the manner of taking finger impressions ; and

(xiii) the matters which are to be and may be prescribed.

Saving

21. Nothing in this Act shall affect the powers of any competent authority under any other law for the time being in force, to make an order of restriction or detention and any order of restriction or of settlement passed under this Act, in so far as it may be inconsistent with any order made by a competent authority under such other law shall be deemed to be inoperative while the order under the other law remains in force.

SCHEDULE**[SEE CLAUSE (c) OF SUB-SECTION (1) OF SECTION 2]**

Sections	Offences under the Indian Penal Code
231	Counterfeiting coin.
232	Counterfeiting Indian coin.
233	
234	Making, buying or selling instrument for counterfeiting coin.
235	Making, buying or selling instrument for counterfeiting Indian coin. 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 person who knew it to be counterfeit when he became possessed thereof.
[The Uttar Pradesh Habitual Offenders' Restriction Act, 1952] [Schedule]	
243	Possession of Indian coin by person who knew it to be counterfeit when he became possessed thereof.
302	Murder.
304	Culpable homicide not amounting to murder.
307	Attempt to murder.
308	Attempt to commit culpable homicide.
311	Being a thug.
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.
333	Voluntarily causing grievous hurt to deter public servant from his duty.
363	Punishment for kidnapping,
361	Kidnapping or abducting in order to murder.
365	Kidnapping or abducting with intent secretly and wrongfully to confine a person,
369	Kidnapping or abducting a child under ten years with intent to steal from its person.

- 376 Rape.
- 377 Unnatural offences.
- 380 Theft in dwelling house, etc.
- 382 Theft after preparation made for causing death, hurt or restrain in order to the committing of the theft.
- 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 in order to commit extortion.
- 392 Robbery.
- 393 Attempt to commit robbery.
- 394 Voluntarily causing hurt in committing robbery.
- 395 Dacoity.
- 396 Dacoity with murder.

[The Uttar Pradesh Habitual Offenders' Restriction Act, 1952]

[Schedule]

- 397 Robbery or dacoity, with attempt to cause death or grievous hurt.
- 398 Attempt to commit robbery or dacoity when armed with deadly weapons.
- 399. Making preparation to commit dacoity
- 400 Belonging to gang of dacoits.
- 402 Assembling for purpose of committing dacoity.
- 411 Dishonestly receiving stolen property.
- 412 Dishonestly receiving property stolen in the commission of a dacoity.
- 436 Mischief by fire or explosive substance with intent to destroy house, etc.
- 457 Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.
- 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 caused by one of them.
- 489-A Counterfeiting currency notes or bank notes.
