

Rajasthan Control of Goondas Rules, 1975

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1. **[Short title, extent and commencement** - (1) This Act may be called the Rajasthan Control of Goondas Rules, 1975.
(2) They shall come into force from the date of its publication in the Official Gazetted
 2. **Definition** - In these rules -
 - (a) "*the Act*" means the Rajasthan Control of Goondas Act, 1975 and reference to sections shall be construed as references sections of the Act.
 - (b) "*Schedule*" means the Schedule to these rules, and reference to forms shall be construed as references to Forms set out in the Schedule.
 3. **[Requirement for action under sub-section (1) of Section 3 of the Act]** - (1) Action under sub-section (1) of Section 3 of the Act [shall not ordinarily] be taken by the District Magistrate except on information in writing received from the Superintendent of Police of the district or Magistrate in charge of sub-division or on information in writing received from two respectable citizens of the locality in which the person to be proceeded against is ordinarily, resident or is active, It will not be necessary for the District Magistrate to disclose the identity of the informants and particulars from which such identity can be ascertained, to the person proceeded against but only the general nature of the material allegations shall be intimated to such person.
(2) Before initiating action on information received from a private individual the District Magistrate shall ordinarily cause secret inquiries to be made in order to ensure that information given is not motivated by private grudge.
 4. **[Notice under sub-section (1) of Section 3 of the Act]** - The notice under sub-section (1) of Section 3 of the Act shall be, conform to Form-1.
 5. **[Procedure for service of summons]** — The procedure laid down in Chapter VI of the [Code of Criminal Procedure, 1973] for service of summons shall apply Mutatis Mutandis, to the service of notice to a person under sub-section (1) of Section 3 of the Act and to the service ,of any order passed under Section (3), Section 4, Section 5 or Section 6 of the Act and the references in that Chapter to "Court" shall be construed as references to the District Magistrate or the "Tribunal" action under the Act.
 6. **[Order by the District Magistrate]** — While making an order under sub-section (3) of Section 3 of the District Magistrate may ordinarily require or direct the person affected by the order—
 - (a) to notify his movements to the Officer-in-charge of the Police Station (Whether in the same district within or outside Rajasthan) nearest to his residence for the time being or to report himself to the said Officer at such time and place as may be directed by such officer but not more than once in a day;
 - (b) to observe the prohibition to restriction about possession or use by. him or any blunt or sharp edged wapon, or fire-arm; or any intoxicant liquor, or

opium, Ganja, Charas or Bhang, or any explosive or inflammable article or aerated water bottles.

(c) not to be present within a specified distance from any specific educational institution, religious place, Mela, Hat, Bazar, Cinema house or place of public entertainment such as public park, restaurants and hotels, or around any Government Building.

(d) in case the Goonda removes himself outside Rajasthan also to inform the District Magistrate who made the order, of his address at fortnightly intervals. Note—The list is only illustrative, and the restrictions and prohibitions to be imposed in each case should be adapted to the circumstances of the case including the character and type of the Goonda and the nature of menace posed by him.

7. [Report by the officer-in-charge of the Police station] — (1) The officer-in-charge of the Police Station referred to in Rule 6 (if in Rajasthan) shall send a fortnightly report to the District Magistrate who made the order and the Superintendent of Police of that district about the movements of the person to whom a direction has been issued under Clause (b) of sub-section (3) of Section 3 of the Act and action if any, taken with regard to his movements.

(2) Where the Goonda removes himself outside Rajasthan, the District Magistrate and Superintendent of Police shall make a request to their respective counter-parts of the district to which he has so removed himself to instruct the officer-in-charge of the police Station concerned to make a like report.

8. [Permission to return temporarily] — The District Magistrate may make an order under Section 4 of the Act in case of death, marriage or serious illness of parent, wife, child, brother or sister of the person against whom an order has been made under Clause (a) of sub-section (3), of Section 3 of the Act or for enabling him to appear before a Court of authority in obedience to its notice, summons or warrant or for other compelling reasons.

9. [Conditions for permission to return temporarily] — The District Magistrate while making an order referred to in Rule 8, shall ordinarily lay down the following conditions namely-

(i) that he shall maintain good behaviour during the period of order.

(ii) that he shall report his arrivals and departures from the city, town or village or Dhani to the Officer-in-charge of the Police Station within whose areas he is allowed to return.

10. [Circumstances where giving of an opportunity under Section 5 impracticable] — The following circumstances shall ordinarily be considered as sufficient to render the giving of an opportunity under Section 5 of the Act impracticable;

(i) where the person concerned fails to comply with any requirements under Clause (a) or Clause (d) of Rule 6, or

(ii) if his whereabouts are not known.

- 11. [Circumstances for extension of period of order]** — The District Magistrate may, while making an order of extension or the period specified in the order made, under Section 3 of the Act take into consideration the following factors, namely :-
- (i) the conduct of the person concerned during the period of the enforcement of the order under Section 3 of the Act.
 - (ii) Any fresh material that may be produced or brought to the notice of the District Magistrate.
- 12. [Representation through counsel]** — The person making a representation under Section 5 of the Act shall have no right to be represented through the counsel but the District Magistrate in his discretion may entertain any representation through counsel or through any member of his family.
- 13. [Supply of copies]** — An attested copy of an order made under section 3, Section 4 or Section 5, of the Act shall be supplied to the person against whom it is made.
- 14. [Memorandum of appeal]** — A memorandum of appeal under Section 6 of the Act shall contain precise grounds of objections to the order appealed against and shall be accompanied by a attested copy of the said order :
- 15. [Execution of bond at the time of making stay order]** — While making an order of stay under sub-section (3) of Section 6 of the Act, the Tribunal shall ordinarily require the person concerned to execute a bond under Section 7 of the Act for securing that he shall conduct himself during the operation of the said order peaceably and be of good behaviour.
- 16. [Bond for attendance of person under Section 3 of the Act]** — A bond securing the attendance of any person who has appeared before the District Magistrate in response to a notice or warrant of arrest and against whom an order is proposed to be made under Section 3 of the Act shall be in Form II.
- 17. [Bond for attendance of person who has filed appeal under section 6 of the Act]** — A bond securing the attendance of any person in whose favour the operation of an order under Section 3 of the Act has been stayed under Section 6 of the Act shall be in Form III.
- 18. [Bond under clause (b) of sub-section (1) of Section 7 of the Act]** — A bond referred to in clause (b) of sub-section (1) of Section 7 of the Act shall be in Form IV.
- 19. [Warrant of arrest]** — A warrant of arrest referred to in clause (a) of sub-section (2) of Section 7 of the Act shall be in Form V.
- 20. [Bond for attendance under clause (a) of sub-section (2) of Section 7 of the Act]** — A bond securing the attendance of any person who has been brought before the District Magistrate in execution of the warrant of arrest issued against him under clause (a) of sub-section (2) of Section 7 of the Act shall be in Form VI.
- 21. [Warrant of commitment of person not in prison]** — A warrant of commitment referred to in clause (b) of sub-section (2) of Section 7 of the Act, of a person who is not already in prison shall be in Form VII.
- 22. [Warrant to commitment of person in prison]** — A warrant of commitment referred to in clause (b) of sub-section (2) of Section 7 of the Act, of a person who is already in prison shall be in Form VIII.
- 23. [Circumstances of probative value under Section 8 of the Act]** — For the purpose of Section 8 of the Act, the following circumstances may also be taken to have probative value that the person concerned was acquitted of any offence punishable under all or any of the provisions mentioned in clause (b)

of Section 2 of the Act merely on technical grounds or on benefit of doubt being given to him;

(ii) that the person concerned has previously been bound down under Section 107, Section 108, Section 109 or Section 110 of the Code.

24. [Rescission of the order] — The District Magistrate or the Tribunal may for the purpose of rescinding an order under Section 3 of the Act in exercise of its power under Section 9 of the Act, take into consideration any of the following factors :-

(i) that the person concerned has shown improvement in his behaviour;

(ii) that there is ground to believe that the original order of externment or restrictions was not necessary;

(iii) that it would otherwise be in the public interest to rescind the same.

25. [Maintenance of register] — The District Magistrate shall arrange to maintain such registers as he may be directed from time to time by the State Government.

Schedule

Form-I

Notice under Section 3 of the Rajasthan Control of Goondas Act, 1975

(See Rule 4)

Whereas it appears to me on basis of information laid before me that :-

- (a) Shri..... son of Shri ordinarily residing in..... is a "Goonda" that is to say, be either himself or as a member or leader of a gang, habitually commits, or attempts to commit, abets the commission of offences punishable under [mention ingredient of Section 2(b)((i) to (xiv) whichever is applicable] is generally reputed to be a..... [mention ingredient from 2(b) (xv) whichever is applicable];
- (b) his movements or acts in are causing or are calculated to cause alarms danger or harm to persons or property there are reasonable grounds for believing that he is engaged or about to engage in the district or any part thereof, in the commission of any offence punishable under Chapter XVI/Chapter XVII/or Chapter XXVI of the Indian Penal Code or under Suppression of [Immoral Traffic in Women and Girls Act, 1956], or under the Rajasthan Excise Act, 1950 or..... or in the abetment of any such offence; and that
- (c) witnesses are not willing to come forward to give evidence against him by reasons of apprehension on their part as regards the safety of their person or property.

And whereas the material allegations against him in respect of the aforesaid clause (a), (b), (c) are of the following general nature :—

1.
2.
3.

The said Shri..... is hereby called upon to appear before me on(date) at (time) in my court room and if he so desires, to tender an explanation in writing regarding the said material allegations showing cause why an order under sub-section (3) of Section 3 of the Rajasthan control of Goondas Act, 1975 may not be made against him, also intimating me whether he desires to examine himself or any other witness (if so, their names and address) in support of his explanation.

The said Shri is hereby informed that if he fails to appear in aforesaid or if no explanation or intimation is received within the time specified it will be presumed that Shri.....has no desire to tender any explanation/examine any witness in regard to the said allegation and I will proceed to pass the proposed order.

Seal of Court

District Magistrate/Addl. District Magistrate

Form-II

Bond and Bail Bond after appearance before District Magistrate

(See Rule 16)

I, (name of..... having appeared before the District Magistrate/Additional District Magistrate..... in response to a notice under sub-section (1) of Section 3 of the Rajasthan Control of Goondas Act, 1975 do hereby bind myself to attend before the said officer on the date of..... inquiry and to continue so to attend until otherwise directed by the said officer, and in case of my making default herein, I bind myself to forfeit, to the Governor of Rajasthan the sum of rupees.....

Dated this day of..... 200.....

.....

(Signature)

I, do hereby declare myself surety for the above named.....that he shall attend before the District Magistrate/ Addl. District Magistrate on theday of..... next, at the inquiry and shall continue so to attend until otherwise directed by the said officer, in case of his making default therein,I bind myself to forfeit to the Governor of Rajasthan the sum of rupees

Dated this..... day of..... 200.....

.....

(Signature)

Form-III

Bond and Bail Bond after appearance before the Tribunal description

(See Rule 17)

I, (namehaving obtained from the Tribunal stay of the operation of the order made against me under sub-section (1) of Section 3 of the Rajasthan Control of Goondas Act, 1975 do hereby bind myself to attend before the said officer on the day of.....(next), and to continue so to attend until otherwise directed by the said officer, and in case of my making default herein, I bind myself to forfeit, to the Governor of Rajasthan the sum of rupees.....

Dated this.....day of..... 200.....

.....
(Signature)

I, do hereby declare myself surety for the above named..... that lie shall attend before the District Magistrate./ Addl. District Magistrateon the..... day of..... next. at the inquiry and shall continue so to attend until otherwise directed by the said officer, in case of his making default therein,I bind myself to forfeit to the Governor of Rajasthan the sum of rupees.....

Dated this.....day of..... 200....

.....
(Signature)

Form-IV

Bond for the observance of certain things

(Sec Rule 18)

Whereas I,(name inhabitant of (place).....have been called upon to enter into a bond to secure due observance of direction/*requirement/*prohibition/*restriction/*condition specified in a order made against me under Section 3/* Section 4/Section 5*/"Section 6 of the Rajasthan Control of Goondas Act, 1975,for the term of (State the period).....hereby bind myself to observe the said "Direction/*requirement/*prohibition/*restriction/*condition during the said terms : and , in case of my making default therein, I bind myself to forfeit to the Governor of Rajasthan the sum of rupees.....

Dated this.....day of.....200.....

.....
(Signature)

* Delete whichever ingredient is not applicable.
(Where a bond with sureties is to be executed, add)

We. do hereby declare ourselves sureties for the above namedthat he will observe the said *Direction/*requirement/*prohibition/*restriction/*condition during the said terms : and, in case of my making default therein, we bind ourselves jointly and severally, to forfeit to the Governor of Rajasthan the sum of rupees.....

Dated this.....day of..... 200.....

.....
(Signature)

* Delete whichever ingredient is not applicable.

Form-V

Warrant of Arrest

(See Rule 19)

I name and designation of the person or persons who is or are to execute warrant).

Whereas.....of.....is a person against whom a notice under sub-section (1) of Section 3 of the Rajasthan Control of Goondas Act, 1975, is being issued you are hereby directed to arrest the said.....and to produce him before me, Here, in fail not.

Dated this..... day of.....200.....

Seal

.....

(Signature)

This warrant may be endorsed as follows :

If the said.....shall give bail himself in the sum of..... with one surety in the sum of.....or two sureties each in the sum ofto attend before me on..... date of and to continue so to attend until otherwise directed by me, he may be released.

Dated this.....day of.....200.....

.....

(Signature)

Form-VI

Bond and Bail Bond after arrest under a warrant

(See Rule 20)

I, (name).....of.....being brought before the District Magistrate/Additional District Magistrate of.....under a warrant issued to answer to the notice under sub-section (1) of Section 3 of the Rajasthan Control of Goondas Act, 1975, do hereby bind myself to attend before the said officer.....on the.....day of.....next, at the inquiry and to continue so to attend until otherwise directed by the said officer, and in case of my making default herein I bind myself to forfeit to the Governor of Rajasthan the sum of rupees

Dated this.....day of.....200.....

.....
(Signature)

I, do hereby declare myself surety for the above named.....of..... that he shall attend before the District Magistrate/ Additional District Magistrate of..... under a warrant issued to answer to the notice under sub-section (1) of Section 3 of the Rajasthan Control of Goondas Act, 1975, do hereby bind myself to attend before the said.....officer.....on the.....day of..... next, at the inquiry and to continue so to attend until otherwise directed by the said officer. and in case of my making default herein, I bind myself to forfeit to the Governor of Rajasthan the sum of rupees.....

Dated this.....day of.....200.....

.....
(Signature)

Form-VII

Warrant of commitment in failure to find Security

(See Rule 21)

To the Superintendent (or Keeper) of the jail at.....

Whereas on consideration of the matters given in clause (a), (b) & (c) of sub-section (1) of Section 3 of the Rajasthan Control of Goondas Act, 1975, I am satisfied that the conditions specified in the aforesaid clauses for making an order under sub-section (3) of Section 3 against (name and description) exist:

And whereas, an order has been recorded against him directing him/* requiring him to/*prohibiting him to/*restricting him to/*imposing the condition that.....and further requiring the said (name to furnish security) for the due observance of the said direction/*requirement/*prohibition/*restriction/*condition for the term of (State the period)..... by entering into a bond with one surety (or two or more sureties as the case may be), himself for rupees.....and the surety (on each of the said sureties) for rupees.....and the said (name) has filed to comply with the said order and for such default has rendered himself liable for commitment to prison for (state the term) unless the said security be sooner furnished;

This is to authorise and require you, the said Superintendent (or Keeper) to receive the said person (name).....into your custody together with this warrant and safely to keep him in the said Jail for the said period of imprisonment) unless he shall in the meantime be lawfully ordered to be released and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of my office, this day..... of 200.....

Seal

.....
(Signature)

*Delete whichever ingredient is not applicable

Form-VIII

Warrant of Commitment on Failure to find Security

(See Rule 22)

To the Superintendent (or Keeper) of the jail at.....

Whereas on consideration of the matters given in clause (a), (b) & (c) of sub-section (1) of Section 3 of the Rajasthan Control of Goondas Act, 1975, I am satisfied that the conditions for making an order under sub-section (3) of Section 3 against (name and description) exist;

And whereas, an order has been recorded against him directing him/requiring him to/prohibiting him..... to /restricting...../imposing the condition that.....and further requiring the said (name) to furnish security for the due observance of the said *direction /*requirements/*prohibition/*restriction *condition for the term of (State the period).....by entering into a bond with one surety (or two or more sureties, as the case may be), himself for rupees.....and the said surety (or each of the said sureties) for rupees.....and the said (name).....has failed to comply with the said order and for such default has rendered himself liable for commitment to prison for (state the term) unless the said security be sooner furnished;

And whereas the said (name) is already in prison;

This is to authorise and require you, the said Superintendent (or Keeper) to detain the said person (name) into your custody, together with this warrant and him safely to keep in the said Jail for the said period of term of imprisonment) unless he shall in the meantime be lawfully ordered to be released and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of my office, this day of 200

.....

(Signature)