

Manipur Control Of The Use And Play Of Loud-Speakers Act, 1976

27 of 1976

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AN ACT to control the use and play of Loud-Speakers in the State of Manipur. Be it enacted by the Legislature of Manipur in the Twenty seventh Years of the Republic of India as follows:-

1. Short Title And Extent :-

- (1) This Act may be called the Manipur Control of the Use and Play of Loud-Speakers Act, 1976.
- (2) It extends to the whole of the State of Manipur.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject of context,--

- (i) "Loud-Speakers" means an instrument to augment small sounds vocal, instrument or recorded ; and
- (ii) "Prescribed" means prescribed by rules made under this Act.

3. Restriction Against Use And Play Of Loud-Speakers :-

No person shall use and play a Loud-Speaker:--

(a) within such distance as may be prescribed from a hospital or from a building in which there is a telephone exchange, or

(b) within such distance as may be prescribed from any educational institution maintained, managed recognised or controlled by the State Government, a University established under any law for the time being in force or a local authority or admitted to such University, or any hostel maintained, managed or recognised by such institution when such institution or hostel is in the use of students, or

(c) within such distance as may be prescribed from a building in which a Court is held during the hours or working of such Court or

(d) between the hours of 10 A.M. and 5 A.M. without the permission in writing of the prescribed authority:

Provided that the provisions of clause (b), (c) or (d) shall not apply to any local area other than a municipal area until a notification applying the provision of such local area has been published in the Official Gazette by the State Government the prescribed authority.

Explanation :-- "A Municipal Area" means any area constituted for the time being a municipality or a notified area under the Municipal Law for the times being in force in the State of Manipur.

4. Power Of Prescribed Authority To Issue Permit :-

Notwithstanding anything contained in clause (a), (b) and (c) of section 3 a Loud-Speaker may be used and played with the permission in writing of the prescribed authority for any cultural, educational or humanitarian purposes or for purposes connected with the maintenance of law and order.

5. Application For Permission To Use Loud-Speaker :-

(i) Every application for permission under section 3 or 4 shall be made to the prescribed authority in the prescribed form and shall bear a court-fee stamp of one rupee :

Provided that no fees shall be charged for applications for the use and play of loud-speakers for humanitarian purposes for purposes connected with the maintenance of law and order.

(ii) The prescribed authority may grant or reject the application, and in granting such application, may impose any restriction or condition subject to which the applicant may use and play loud-speaker.

6. Cognizance Of Offences Under This Act :-

No Magistrate shall take cognizance of an offence under this Act except on a complaint made by, or at the instance of, the person aggrieved by such offence or upon a report in writing made by any police officers :

Provided that nothing contained on this section shall effect the provisions of the Code of Criminal Procedure, 1973 (2 of 1974), in regard to the powers of certain Magistrates to the cognizance of offences upon information received or upon their own knowledge.

7. Power To Seize Loud-Speaker :-

(i) Any Police Officer, not below the rank of Assistant Sub-Inspector of Police, who finds a person using and playing a loud-speaker in contravention of the provisions of this Act, may seize the loud-speaker.

(ii) Such Police Officer or any Court before with the loud-speaker is produced may release it in favour of any person claiming to be entitled to the possession thereof on his executing a bond with or without sureties, to the satisfaction of the police officer or the court, engaging to produce the loud-speaker whenever called upon to do so.

8. Offences To Be Bailable :-

An offence under this Act, shall be bailable.

9. Penalty :-

Any person who contravenes any of the provision of this Act shall be punishable with imprisonment which may extend to one month or with fine which may extend to one hundred rupees or with both, and the court trying such contravention may, on conviction of such person direct that the loud-speaker seized under section 7 be forfeited to Government.

Provided that when the owner of the loud-speaker is a person other than the person convicted, the Court shall, before passing the order of forfeiture, give such owner a reasonable opportunity of showing cause, if any, against such order.

10. Power To Make Rules :-

The State Government may after previous publication in the official

Gazette, make rules for carrying out the purposes of this Act.

11. Repeal And Savings :-

(1) The Bihar Control of the use of Loud-Speakers Act, 1955 (Bihar Act XII of 1955) in its application to the State of Manipur is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Act shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.