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## **Bihar Maintenance Of Public Order Act, 1949**

### **3 of 1950**

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## **Bihar Maintenance Of Public Order Act, 1949**

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An Act to provide for preventive 2[restrictions], imposition of collective fines, control of meetings and processions, 3[\*\*] requisitioning of property and prevention of unlawful drilling and the wearing of unofficial uniforms and regulating the conduct of

persons in a protected place in connection with 4[the security of the State and maintenance of public order] 5[and of services and supplies essential to the life of community] in the Province of Bihar. WHEREAS it is expedient to provide for preventive 2[restrictions], imposition of collective fines, control of meetings and processions 3[\*\*], requisitioning of property and prevention of unlawful drilling and the wearing of unofficial uniforms and regulating the conduct of persons in a protected place in connection with 4[the security of the State and maintenance of public order] 5[and of services and supplies essential to the life of the community] in the Province of Bihar. It is hereby enacted as follows:- 1. (a) Governor's assent published in the Bihar Gazette, Extraordinary of the 4th January, 1950. (b) For Statement of Objects and Reasons see, the Bihar Gazette, Extraordinary of the 14th December, 1946. 2. Substituted by Bihar Act 20 of 1951 for the word "detention". 3. The words "imposition of censorship" Repealed by Bihar Act 26 of 1953. 4. Substituted by Bihar Act 20 of 1951, for the words "the public safety and maintenance of order". 5. Inserted by Bihar Act 26 of 1953.

### **1. Short Title, Extent And Duration :-**

(1) This Act may be called the Bihar Maintenance of Public Order Act, 1949.

(2) It shall remain in force for a period of 1[Nineteen years from the date of its commencement.

(3) It extends to the whole of the 2[State] of Bihar.

(4) The expiration of this Act shall not affect anything done or omitted to be done before such expiration, and Section 8 of the Bihar and Orissa General Clauses Act, 1917, (B. and O. Act 1 of 1917), shall apply upon the expiry of this Act as if it had been repealed by a Bihar Act.

1. Substituted by Bihar Ordinance No. 1 of 1967

2. Substituted by A.L.O.

### **2. Power To Make Orders Restricting The Movements Or Actions Of, Or Detaining, Certain Persons :-**

(1) The 1[State] Government, if satisfied with respect to any particular person that with a view to preventing him from acting in any manner prejudicial to 2[\*\*] the maintenance of public order 3[and of services and supplies essential to the life of the community] it is necessary so to do, may make an order-

[Clause (a) Repealed by Bihar Act 20 of 1951.]

4[(a)] directing that, except in so far as he may be permitted by the provisions of the order, or by such authority or persons as may be specified therein, he shall not be in any such area or place in the [State]<sup>2</sup> of Bihar as may be specified in the order;

4[(b)] requiring him to reside or remain in such place or within such area in the <sup>2</sup>[State] of Bihar as may be specified in the order and if he is not already there to proceed to that place or area within such time as may be specified in the order;

4[(c)] requiring him to notify his movements or to report himself or both to notify his movements and report himself in such manner, at such times and to such authority or person as may be specified in the order;

4[(d)] imposing upon him <sup>5</sup>[such reasonable restrictions] as may be specified in the order in respect of his employment or business, in respect of his association or communication with other person, and in respect of his activities in relation to the dissemination of news or propagation of opinions;

6(e) prohibiting or restricting the possession or use by him of any such article or articles as may be specified in the order;

7[\* \*\*\*\*\*

8[\* \*\*\*\*\*

9[(1a) An order made under Clause (a) of sub-section (1) may specify the whole State, or any part thereof, as the area or place to which the order relates :

Provided that no such order shall direct the exclusion or removal from the whole State of any person ordinarily resident in the State.]

10[(2)] An order made under sub-section (1) may require the person in respect of whom it is made to enter into a bond, with or without sureties, to the satisfaction of the District Magistrate or the Sub-divisional Magistrate for the due performance of, or as an alternative to the enforcement of, such restrictions or conditions made in the order as may be specified in the order.

10[(3)] If any person is in any area or place in contravention of an order made under the provisions of this Section, or fails to leave any area or place in accordance with the requirement of such an order, then, <sup>11</sup>[\*\*] he may be removed from such area or place by any police officer or by any person acting on behalf of the <sup>2</sup>[State] Government.

12[\* \*\*\*\*\*

13[(4) If any person contravenes any order made under this

section 14[\*\*] he shall be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such person has entered into a bond in pursuance of the provisions of 15[sub-section (2)], his bond shall be forfeited.

16[(5) Whenever it is provide to the satisfaction of the Court of a Magistrate of the first class that such bond has been forfeited, the Court shall record the grounds of such proof, and may call upon any person bound by such bond to pay the penalty thereof, or to show cause why it should not be paid.

16[(6) If sufficient cause is not shown and the penalty is not paid, the Court may proceed to recover the same by issuing a warrant for the attachment and sale of movable property belonging to such person or his estate, if he be dead.

16[(7) Such warrant may be executed within the Local limits of the jurisdiction of the Court which issued it; and it shall authorise the attachment and sale of of any movable property belonging to such person without such limits, when endorsed by the District Magistrate or the Chief Presidency Magistrate within the local limits of whose jurisdiction such property is found.

16[(8)] If If such penalty is not paid and cannot be recovered by such attachment and sale the person so bound shall be liable, by order of the Court which issued the warrant, to imprisonment in the civil jail for a term which may extend to six months.

16[(9)] The Court may at its discretion remit any portion of the penalty maintained and enforce payment in part only.

16[(10)] If a surety to a bond dies before the bond is forfeited, his estate shall be discharged from all liabilities in respect of the bond.

16[(11)] If any surety to a bond becomes insolvent or dies, or if any bond is forfeited under provisions of 17[sub-section (4)], any Magistrate of the first class may order the person from whom such bonds was demanded to give another surety or as the case may be, to enter into a fresh bond in accordance with the directions of the original order, and if such surety is not given or a fresh bond is not furnished, such Magistrate may proceed as if there had been a default in compliance with the original order.

18[(12) If the person required to execute a bond by an order made under subsection (1) is a minor, the bond may be executed by a surety only.

18[(13)] All orders passed under 16[sub-sections (6) and (8) shall be appealable to the Court of Session or, if not so appealed, may be revised by the High Court.

1. Substituted by A. L. O.

2. The words "the public safety and" Repealed by Bihar Act 20 of 1951.
3. Inserted by Bihar Act 26 of 1953.
4. Clauses (b), (c), (d) and (e) re-lettered as Clauses (a), (b), (c) and (d) respectively by Bihar Act 20 of 1951.
5. Substituted by Bihar Act 6 of 1952, for the words "such restrictions".
6. Clauses (f) and (g) re-lettered as clauses (e) and (f) by Bihar Act 20 of 1951.
7. Clause (f) rep by Bihar Act 6 of 1952.
8. Sub-section (2) Repealed by Bihar Act 20 of 1951.
9. Inserted by Bihar Act 1 of 1956.
10. Sub-sections (3) and (4) re-numbered as sub-sections (2) and (3) respectively by Bihar Act 1 of 1956.
11. The words "without prejudice to the provisions of sub-section (6)" Repealed by Bihar Act 1 of 1956.
12. Sub-sections (5) and (6) Repealed by Bihar Act 20 of 1951.
13. Sub-section (7) re-numbered as sub-section (4), by Bihar Act 20 of 1951.
14. Words "other than an order of the nature referred to in clause (b) of sub-section (6)" Repealed by Bihar Act 20 of 1951.
15. Substituted by Bihar Act 20 of 1951 for the words & figure "sub-section (3)".
16. Sub-sections (8), (9), (10), (11), (12), (13), (14), (15) and (16) re-numbered as subsections (5), (6), (7), (8), (9), (10), (11), (12) and (13) respectively by Bihar Act 20 of 1951.
17. Substituted by Bihar Act 20 of 1951 for the words & figures "sub-section (7)".
18. Substituted by Bihar Act 20 of 1951 for sub-sections (9) and (11)".

### **3. Punishment For Failure To Enter Into Bond :-**

(1) If any person who has been required to enter into a bond, with or without sureties, in pursuance of the provision of 1[sub-section (2)] of Section 2, for the due performance or enforcement of any restriction or condition, refuses or fails to comply with such requirement on or before the date on which the bond is required, to be entered the District Magistrate or the Sub-divisional Magistrate may order that he may be committed to prison or, if he is already in prison be detained in prison until the expiry of the period for which he was required to enter into bond or until he tenders bond

in accordance with the order :

Provided that the imprisonment shall be simple.

(2) If the bond is tendered to the officer in charge of the jail he shall forthwith refer the matter to the District Magistrate or the Sub-divisional Magistrate and shall proceed in accordance with the orders of such officer.

1. Substituted Bihar Act, 20 of 1951 for the words and figure "subsection (3)".

#### **4. Duration Of Order Made Under Section 2 :-**

1[An order made under subsection (1) of Section 2 shall be in force for a period not exceeding six months for the date on which it is served on the person in respect of whom it is made unless it is revoked earlier :

Provided that nothing in this section shall prevent the State Government from making a fresh order under the aforesaid subsection in respect of the same person, if the State Government is satisfied that it is necessary so to do with a view to preventing him from acting in any manner prejudicial to the maintenance of public order :

Provided further that no order made under aforesaid sub-section shall remain in force for a longer period than three months from the date of the service of the order on the person concerned unless the Advisory Board has reported under subsection (3) of Section 6 that there is, in its opinion, sufficient cause for the making of the order.]

1. Substituted by Bihar Act 6 of 1951, for the original Section.

#### **5. Grounds Of Order Under Sub-Section (1) Of Section 2 To Be Disclosed To Person Affected By The Order :-**

1[(1) Where an order is made in respect of any person under subsection (1) of Section 2, within fifteen days of the date on which the order is served on the person in respect of whom it is made, the State Government shall communicate to the person affected thereby, as far as such communication can be made without disclosing facts which the State Government considers it would be against the public interest to disclose the grounds on which the order has been made against him and such other particulars as are in the opinion of the State Government sufficient to enable him to make, if he wishes, a representation against the order and such person may make a representation in writing to the State Government against the order and it shall be the duty of the State

Government to inform such person of his right of making such representation and to afford him the earliest practicable opportunity of doing so.

(2) Communication of the grounds on which the order has been made shall be made by delivering or tendering a copy thereof to the person affected by the order.

1. Substituted by Bihar Act 6 of 1951, for the original Section.

## **6. Constitution Of Advisory Board And Its Procedure :-**

1[(1) The State Government shall constitute one or more Advisory Boards each consisting of 2[\* \* \*] three members who are or have been, or are qualified to be appointed as Judges of a High Court. The members of the Board, one of whom shall be the Chairman, shall be appointed by the State Government.

(2) In every case where an order has been made under sub-section (1) of Section 2, the State Government shall, within six weeks from the date of the service of the order on the person in respect of whom order has been made, place before an Advisory Board constituted under sub-section (1) the grounds on which the order has been made and the representation, if any, made by the person affected by the order together with any other relevant materials which the State Government may consider necessary.

(3) The Advisory Board shall, after considering the materials placed before it and, if necessary, after calling for such further information from the person concerned as it may deem necessary, submit its report to the State Government within ten weeks from the date of the service of the order on the person in respect of whom the order has been made.

(4) The report of the Advisory Board shall specify in a separate part thereof the opinion of the Advisory Board as to whether or not there is sufficient cause for the making of the order under sub-section (1) of Section 2 against the person concerned.

3[4-A)] Where there is a difference of opinion among the members forming the Advisory Board, the opinion of majority of such members shall be deemed to be the opinion of the Board].

(5) Nothing in this section shall entitle any person against whom an order under sub-section (1) of Section 2 has been made to attend in person or to appear by any 4[legal practitioner] in any matter connected with the reference to the Advisory Board and the proceedings of the Advisory Board and its report, excepting that part of the report in which the opinion of the Advisory Board is

specified, shall be confidential.

1. Substituted by Bihar Act 20 of 1951, for the original Section.
2. The words "not less than" Repealed by Bihar Act 6 of 1952.
3. Inserted by Bihar Act 6 of 1952.
4. Substituted by Bihar Act 1 of 1955 for the words "legal representation".

## **7. Confirmation Of Order :-**

1[In any case where the Advisory Board has reported that there is in its opinion sufficient cause for the making of the order under sub-section (1) of Section 2 against the person concerned, the State Government may confirm the order].

1. Substituted by Bihar Act 20 of 1951, for the original Section.

## **8. Imposition Of Collective Fines On Inhabitants Of An Area :-**

1[(1) If on account of the commission, attempt to the commission or abetment of all or any of the offences specified in Chapter VIII, Sections 187 to 190, 212, 302, 304, 323 to 326, 332, 379, 380, 390 to 402 and 436 and Chapter XXII of the Indian Penal Code, 1860 (XLV of 1860), the State Government is satisfied that circumstances exist which render it necessary to take immediate action for the maintenance of public order or for preventing danger to life or property of the people of the State or of the area in particular, or for the maintenance of services or supplies essential to the life of the community, it may, by notification, impose such collective fine on all or such inhabitants of the said area as it thinks fit on the materials available regarding their connection with any of the offences mentioned in this sub-section.

(2) The notification made under sub-section (1) shall be proclaimed in the area by beat of drum or in such other manner as the State Government may think best in the circumstances to bring the declaration to the notice of the said inhabitants.

(3) (a) The District Magistrate shall, after such enquiry as he may consider necessary, apportion the fine imposed under sub-section (1) among the said inhabitants according to his judgment of their respective means.

(b) In making any such apportionment the District Magistrate may assign a portion of such fine to an undivided Hindu family to be payable by it :

Provided that the fine apportioned to an inhabitant under this sub-

section shall not be realised until a petition, if any, filed by him under sub-section (4) is not disposed of.

(4) (a) Any person aggrieved by the imposition of the fine under sub-section (1) or by the order of apportionment under sub-section (3) may, within the period prescribed by the State Government, file a petition before the District Magistrate for being exempted from such fine or for modification of the order of apportionment :

Provided that no fee shall be charged for filing such petition.

(b) The District Magistrate may at any time transfer the petition for disposal to any officer subordinate to him not below the rank of a Sub-divisional Magistrate.

(c) After giving the petitioner a reasonable opportunity of being heard, the District Magistrate to whom the proceeding is transferred under sub-section (b) may pass such order as he considers fit :

Provided that the amount of fine exempted or reduced under this sub-section shall not be realisable from any person and the total fine imposed on the inhabitants of the area under sub-section (1) shall be deemed to have been reduced to that extent.

(5) An appeal, if preferred within the period prescribed by the State Government, from an order under sub-section (4) shall lie-

(i) if made by the District Magistrate, to the Commissioner of the Division; and

(ii) if made by any officer subordinate to the District Magistrate :

Provided that no appeal shall be entertained unless fifty per cent of the fine payable in accordance with the order under sub-section (4) has been paid and the memorandum of appeal is accompanied with a proper receipt showing such payment :

Provided further that no fee shall be charged for filing such appeal.

(6) An order passed under sub-section (1), or sub-section (3) where no petition has been filed under sub-section (4), or an order under sub-section (4) if not appealed against and the order passed on appeal under sub-section (5) shall be final.

(7) The portion of such fine payable by any person (including a Hindu undivided family) may be recovered-

(a) in the manner provided by the Code of Criminal Procedure, 1898 (V of 1898), for the recovery of fines imposed by a Court, as if such portion were a fine imposed by the District Magistrate acting as a Court :

Provided that the State Government may, in lieu of the Rules referred to in sub-section (2) of Section 386 of the Code of Criminal Procedure, 1898 (V of 1898), make Rules under this Act regulating

the manner in which warrants under Clause (a) of sub-section (1) of the said section of the said Code are to be executed, and for the summary determination of any claims made by any person other than the person liable to pay the fine in respect of any property attached in execution of the warrant, or

(b) as a public demand payable to the Collector.]

1. Substituted by Bihar Act 12 of 1957, for original Section.

## **9. Control Of Processions, Meetings, Etc. :-**

1[(1) The State Government may, for the purpose of the maintenance of public order, direct by general or special order that in any area or place, as may be specified in the order, no person shall,-

(a) While taking part in any public procession, meeting or assembly, carry such arms as may be specified in the order;

(b) Join or take part in any public meeting or assembly, unless the convener or organiser of such meeting or assembly has intimated, in writing the hour and place of the meeting or assembly in advance for such period, in such manner and to such authority as may be prescribed by rules made in this behalf by the State Government].

2[(2) (i) Subject to the provision of sub-section (1) and sub-clause (ii) (a) of this sub-section, if in the opinion of the State Government, a public procession other than marriage or funeral procession, if taken out in any area or place, without giving advance information about it to the authorities, is likely to be prejudicial to the maintenance of public order, it may by a general or special order direct that the organizers, promoters or directors of such public processions, except of marriage or funeral procession, in the said area or place as may be specified in that order, shall furnish in writing in advance, for such period before the date of taking out the processions, such particulars, in such manner and to such authority, as may be prescribed by Rules made in this behalf by the State Government.

(ii) If in the opinion of the State Government the requirement of a situation in any area or place is such that a public procession, if uncontrolled, is likely to be prejudicial to the maintenance of public order, it may, by general or special order direct that in the said area or place specified in the order, no procession except marriage or funeral procession, shall be permitted unless the persons organising, promoting or directing the procession apply for and

obtain a license from the authority prescribed in this behalf by the State Government.

(b) On such application being made, the said prescribed authority may, for reasons to be recorded in writing, refuse a licence for the procession or issue a license specifying the names of the licencees and defining the conditions on which alone such procession is to be permitted to take place and otherwise giving effect to sub-clause (ii) :

Provided that no fee shall be charged on the application for or grant of, any such license.

(c) the general or special order under sub-clause (ii) (a) shall be made by publishing it in the Official Gazette. The District Magistrate may also, in his discretion, publish the order in such other manner as he may think best in the circumstance to bring it to the notice of the inhabitants of the said area.

(d) No order under sub-clause (ii) (a) shall remain in force for more than six months from the publication thereof in the Official Gazette.]

3[(3) For the purposes of 2[sub-sections (1) and (2) any procession, meeting or assembly which is open to the public or to any class or portion of the public, whether held in a public or a private place and whether admission thereto is restricted by the issue of tickets or otherwise, shall be deemed to be a public procession, meeting or assembly, as the case may be.

[(4)] And police officer may take such steps, and use such force as may be reasonably necessary for securing compliance with any order made under this Section.

[(5)] If any person contravenes any order made under this Section, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

1. Substituted by Bihar Act 20 of 1951, for original Section.

2. Substituted by Bihar Act 12 of 1957, for original sub-section.

3. Sub-sections (2), (3) and (4) renumbered as sub-section (3), (4) and (5) by Bihar Act 20 of 1951.

## **10. Power To Impose Censorship :-**

Repealed by the Bihar Maintenance of Public Order (Amendment) Act, 1952 (Bihar Act 6 of 1952, S. 5)]

## **11. Control Of Documents Printed Outside The State :-**

[Repealed by the Bihar Maintenance of Public Order (Amendment)

Act, 1952 (Bihar Act 6 of 1952), Section 5.]

## **12. Requisitioning Of Property :-**

1[(1) If in the opinion of the 2[State] Government it is necessary or expedient so to do for the maintenance of public order, or of services and supplies essential to the life of the community, or of public safety, it may by order in writing requisition any property, movable or immovable, and may make such further orders as appear it to be necessary or expedient in connection with the requisitioning :

Provided that no property used for the purpose of religious worship shall be requisitioned under this section.]

(2) Where the 2[State] Government has requisitioned any property under subsection (1), it may use or deal with the property in such manner as may appear to it to be expedient.

3[(3) (i) Whenever in pursuance of sub-section (1), the State Government requisitions any movable or immovable property there shall be paid to all persons interested compensation the amount of which shall be determined in the manner and in accordance with the principles hereinafter set out, namely:-

(a) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement;

(b) where such agreement can be reached, the State Government shall appoint a District Judge or an Additional District Judge as arbitrator;

(c) the State Government may, in any particular case nominate a person having expert knowledge as to the nature of the property requisitioned, to assist the arbitrator and where such nomination is made the person to be compensated may also nominate an assessor for the said purpose;

(d) at the commencement of the proceeding before the arbitrator, the State Government and the person to be compensated shall state what in their respective opinions is a fair amount of compensation;

(e) the arbitrator in making his award shall have regard to the provisions of sub-section (1) of Section 23 of the Land Acquisition Act, 1894, (1 of 1894) so far as they can be made applicable;

(f) an appeal shall lie to the High Court against an award of an arbitrator;

(g) save as provided in this section and in any rules made thereunder, nothing in any law for the time being in force shall

apply to arbitrations under this Section.

(ii) Compensation shall also be paid in respect of any damage done to the property during the period of requisition other than what may have been sustained by normal wear and tear or by natural causes. When the amount of such compensation can be fixed by agreement, it shall be paid in accordance with such agreement; where no such agreement can be reached the matter shall be referred to the arbitrator appointed under sub-clause (b) of clause (i) and where no such arbitrator has been appointed, the State Government shall appoint a District Judge or an Additional District Judge as arbitrator. The provisions of sub-clauses (c), (d), (f) and (g) of clause (i) shall also apply to such cases.

(iii) The State Government may prescribe by Rules the procedure to be followed in arbitrations and appeals, the period within which such appeals are to be filed, the principles to be followed in apportioning the costs of proceedings before the arbitrator and on appeal and the fees to be paid to experts and assessors appointed under sub-clause (c) of clause (i) of this sub-section.]

(4) The 2[State] Government may, with a view to requisitioning any property under sub-section (1) or determining the compensation payable under sub-section (3), by order-

(a) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the property as may be so specified;

(b) direct that the owner, occupier or person in possession of the property shall not without the permission of the 2[State] Government dispose of it, or where the property is a building, structurally alter it, or where the property is movable, remove it from the premises in which it is kept, till the expiry of such period as may be specified in the order.

(5) Without prejudice to any powers otherwise conferred by this section any person authorised in this behalf by the 2[State] Government may enter any premises and inspect such premises and any property therein or thereon for the purpose of determining whether, and, if so, in what manner an order under this section should be made in relation to such premises or property, or with a view to securing compliance with any order made under this Section.

(6) If any person contravenes any order made under this Section, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

1. Substituted by Bihar Ordinance No. 11 of 1967.

2. Substituted by A. L.O.

3. Substituted by Bihar Act 20 of 1951, for the original sub-section.

### **13. Unlawful Drilling :-**

1[(1) The 2[State], Government may, for the purpose of the maintenance of public order, direct, by general or special order that in any area or place as may be specified in the order, no person shall,-

(a) while taking part in any exercise, movement, evolution or drill of a military nature, carry or use such arms as may be specified in the order;

(b) join or take part in any exercise, movement, evolution or drill of a military nature or in any camp or parade appertaining to such exercise, movement, evolution or drill, unless a licence for the same has been obtained from the District Magistrate.

(2) If in the opinion of the District Magistrate any such exercise, movement, evolution or drill of a military nature or such camp or parade, if uncontrolled, is likely to be prejudicial to the maintenance of public order, he may, for reasons to be recorded in writing,-

(a) refuse a licence for such exercise, movement, evolution or drill; or

(b) issue a licence specifying the names of the licensees and defining the conditions on which alone such exercise, movement, evolution, drill, camp or parade is to be held :

Provided that no fee shall be charged for the grant of any such licence.]

(3) If any person contravenes any order made under this Section, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

1. Substituted by Bihar Act 20 of 1951, for original sub-sections (1) and (2).

2. Substituted by A. LO.

### **14. Un-Official Uniforms, Etc. :-**

(1) If the 1[State] Government is satisfied that-

(a) the wearing in public of any dress or article of apparel resembling any uniform or part of a uniform required to be worn by a member of 2[the Armed Forces of the Union] or by a member of any Official Police Force or of any force constituted under any law for the time being in force;

(b) the wearing or display in public of any distinctive dress or article of apparel or any emblem, would be likely to prejudice [x x x]3 the maintenance of public order, the 1[State] Government may, by general or special order, prohibit or restrict the wearing or display in public of any such dress, article of apparel or emblem.

(2) For the purposes of this Section, a dress, an article of apparel or an emblem shall be deemed to be worn or displayed in public if it is worn or displayed so as to be visible to a person in any place to which the public have access.

(3) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

1. Substituted by A. L O.

2. Substituted by Bihar Act 20 1951 for the words "His Majestys Forces".

3. The words "the public safety or" Repealed by Bihar Act 20 of 1951.

### **15. Powers To Require The Assistance Of Certain Persons :-**

(1) Any Officer of Government authorised in this behalf by general or special order of the 1[State] Government may, within such area as may be specified in the order, require any male person in that area to assist in the maintenance or restoration of law and order or in the protection of property for such period and in such manner as the officer may direct.

(2) If any person fails to comply with any lawful direction given to him under sub-section (1), he shall be punishable with imprisonment for a term which may extend to six months, or with fine or with both.

1. Substituted by A. L O.

### **16. Protected Place :-**

(1) If, as respects any place or class of places, the 1[State] Government considers it necessary or expedient that for 2[\*\*\*] the maintenance of public order and for preventing or suppressing subversive acts special precautions should be taken to prevent the entry of unauthorised persons, the 1[State] Government may by order declare that place, or, as the case may be every place of that class, to be a protected place, and thereupon, for so long as the order is in force, such place or every place of such class, as the case may be shall be a protected place for the purposes of this Act.

(2) No person shall, without the permission of the 1[State] Government, enter, or be on or in, or pass over, or loiter in the vicinity of, any protected place.

(3) Where in pursuance of sub-section (2) any person is granted permission to enter, or to be on or in, or to pass over, a protected place, that person shall while acting under such permission comply with such orders for regulating his conduct as may be given by the 1[State] Government.

(4) Any police officer, or any other person authorised in this behalf by the 1[State] Government, may search any person entering or seeking to enter or being on or in, or leaving, a protected place, and any vehicle, animal or article brought in by such person, and may, for the purpose of the search, detain such person, vehicle, animal and article :

Provided that no female shall be searched in pursuance of this sub-section except by a female.

(5) If any person is in a protected place in contravention of this section, then, without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by any police officer or by any other person authorised in this behalf by the 1[State] Government.

(6) If any person is in a protected place in contravention of any of the provisions of this Section, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

1. Substituted by A. L O.

2. The words "the purpose of securing the public safety or" Repealed by Bihar Act 20 of 1951.

### **17. Forcing Or Evading A Guard :-**

Any person who effects or attempts to effect entry into a place declared under Section 16 to be a protected place-

(a) by using, or threatening to use, criminal force to any person posted for the purpose of protecting or preventing or controlling access to, such place, or

(b) after taking precaution to conceal his entry or attempted entry from any such person, shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

### **18. Order For Certain Place :-**

(1) Without prejudice to any other provision of this Act the 1[State]

Government, as respects any place declared by it to be a protected place, may make orders for controlling or regulating the admission of persons to, and the conduct of persons in and the vicinity of, such place.

(2) Without prejudice to the generality of the foregoing provisions, orders made under sub-section (1) in relation to any place may make provision-

(a) for restricting the admission of persons to such place and for removing there from any person who is therein in contravention of the orders or who has been convicted of any contravention of the provisions of this Act;

(b) for requiring the presence of any person or class of persons in such place to be notified to an authority appointed by the<sup>1</sup> [State] Government and for requiring any person who has been convicted of any such offence as is mentioned in clause (a) of this sub-section to report his movements while in such place and to observe any other condition imposed upon him by an authority appointed by the <sup>1</sup>[State] Government;

(c) for requiring any person or class of persons in such place to carry such documentary evidence of identity, as may be prescribed by an order made by the <sup>1</sup>[State] Government under this Act; and

(d) for prohibiting any person or class of persons from being in possession or control of any article prescribed by an order made by the <sup>1</sup>[State] Government under this Act.

(3) An order made under this Section in respect of a protected place may exempt such place from all or any of the provisions of this Act which are expressed to apply to or in relation to a protected place or may direct that all or any of the said provisions shall apply subject to such modifications as may be specified in the order.

(4) An order made under this Section in respect of a place which is not a protected place may direct that all or any of the provisions of this Act which are expressed to apply to or in relation to a protected place shall apply to or in relation to the place in respect of which the order is made either without modification or subject to such modification as may be specified in the order.

(5) If any person contravenes any order made under this Section, he shall be punishable with imprisonment for a term which may extend to three years, or with fine or with both.

1. Substituted by A. L. O.

## **19. Duty Of Giving Information As To Commission Of**

## **Offences :-**

(1) It shall be the duty of every person to give on demand to a Superintendent of Police or other police officers not below the rank of Inspector, empowered by the Inspector-General of Police in this behalf, any information in his power relating to an offence under Sections 16,17 or 18.

(2) If any person fails to give any such information, he shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

## **20. Attempts, Etc., To Contravene The Provisions Of The Act :-**

Any person who attempts to contravene, or abets, or attempts to abet, or does any act preparatory to a contravention of, any of the provisions of this Act or of any order made thereunder, shall be deemed to have contravened that provision or, as the case may be, that order.

## **21. Delegation Of Powers And Duties Of State Government :-**

The 1[State] Government may by order direct, that any power or duty, which is conferred or imposed on the 1[State] Government or on the District Magistrate, shall in such circumstances and under such conditions, if any, as may be specified in the order, be exercised or discharged by any officer or authority 2[not below the rank of a Sub-divisional Magistrate.]

1. Substituted by A. L. O.

2. Substituted by Bihar Act 20 of 1951, for the words "subordinate to the State Government"

## **22. Protection Of Action To Be Taken Under This Act :-**

No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done in pursuance of this Act.

## **23. Application Of Other Laws Not Barred :-**

The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

## **24. Power To Arrest Without Warrant :-**

Any police officer may arrest without warrant any person who is reasonably suspected of having committed an offence punishable under this Act.

## **25. Cognizance Of Contraventions Of The Provisions Of The Act Or Orders Made Thereunder :-**

1[(1) No Court shall take cognizance of any alleged contravention of the provisions of this Act or of any order made thereunder except with the previous sanction of the District Magistrate and except on a report on writing of the facts constituting such contravention made by a public servant.]

(2) Any magistrate or bench of magistrates empowered for the time being to try in a summary way the offences specified in sub-section (1) of Section 260 of the Code of Criminal Procedure, 1898\* (5 of 1898), may, if such magistrate or bench of magistrates thinks fit, on application in this behalf being made by the prosecution, try a contravention of any such provisions of this Act or orders made thereunder as the 2[State] Government may, by notification specify in this behalf, in accordance with the provisions contained in Sections 262 to 265 of the said Code.

1. Substituted by Bihar Act 12 of 1957 for original sub-section.

2. Substituted by A. L O.

\* Now Act 1973 (Act 2 of 1974).

## **25A. Power Of The State Government To Make Rules :-**

1[The State Government may, after previous publication, make Rules not inconsistent, with this Act, for carrying out the purposes of this Act.]

1. Inserted by Bihar Act 12 of 1957.

## **26. Repeal And Saving :-**

(1) The Bihar Maintenance of Public Order (No. 2) Ordinance, 1949 (Bihar Ordinance No. IV of 1949) is hereby repealed.

(2) All proceedings commenced, officers appointed or authorised, Rules and orders made, sentences passed or acts ordered or done, in exercise of any jurisdiction or power conferred by or under the provisions of the said Ordinance, shall be continued and be deemed to have been respectively commenced, appointed or authorised,

made, passed, ordered done under this Act and any enactment or document referring to any of the said provisions shall be construed to refer to this Act or to the corresponding provision thereof.