

# The Bihar Maintenance of Public Order Rules, 1959

BIHAR

India

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### Rule

## THE-BIHAR-MAINTENANCE-OF-PUBLIC-ORDER-RULES-1959 of 1959

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The Bihar Maintenance of Public Order Rules, 1959Published vide Notification No. 951-C, dated 24th January, 1959Notification No. 951-C, dated the 24th January, 1959. - In exercise of the powers conferred by Section 25-A of the Bihar Maintenance of Public Order Act, 1949 (Bihar Act III of 1950) (hereinafter called the Act) the Governor of Bihar is pleased to make the following Rules, namely:-

### 1.

These Rules may be called the Bihar Maintenance of Public Order Rules, 1959.

### 2. Definition.

- In these Rules 'Act' means the Bihar Maintenance of Public Order Act, 1949 (Bihar Act III of 1950) and Section means a section of the said Act.

### 3. Collective fines.

- (i) The proclamation required to be made under subsection (2) of Section 8 shall be made in the village on the inhabitants, of which collective fine has been imposed, by beat of drum and a copy of the notification shall be posted or hung up on a conspicuous part of the building used as office of the Gram Panchayat, if any established under Section 3 of the Bihar Panchayat Raj Act, 1949 (Bihar Act VII of 1948) and having jurisdiction over such village and in a village which is not under such Gram Panchayat a copy of the said notification shall be hung up on a conspicuous place.(ii)The person responsible for making the proclamation shall obtain a certificate from two members of the public of the locality present at the time the proclamation is made to the effect that the proclamation has been made in the above manner and where the person responsible for making the proclamation is unable

to obtain such a certificate, he shall state on affidavit sworn before a Magistrate, the reasons for such inability, in his report.

**4.**

The order of the District Magistrate passed under sub-section (3) (a) of Section 8 of the Act apportioning the fine among the inhabitants of an area, shall be served on the persons concerned in the form of a notice which shall, inter alia, mention the amount of fine imposed against each person and shall be served in the manner laid down in Chapter VI of the [Code of Criminal Procedure, 1898] [Now Act 1973 (Act 2 of 1974).] (Act V of 1898), for the service of summons.

**5.**

A petition under sub-section (4) (a) of Section 8 of the Act for exemption , from the payment of the fine or for modification of the order of apportionment shall be filed within fifteen days of the service of the order of apportionment under Rule 4. Explanation. - A joint petition may be filed by two or more objectors if the ground of objections are substantially identical.

**6.**

The petitioner may attend the hearing of petition either personally or he may be represented by a lawyer and he may adduce such evidence in support of his petition as may be necessary.

**7.**

The District Magistrate or the officer to whom the proceeding is transferred under Clause (b) of sub-section (4) of Section 8 shall record the reasons for making an order under Clause (c) of the said sub-section.

**8.**

In deciding whether or not a person on whom fine has been imposed, should be exempted from the payment of such fine, the District Magistrate or the officer to whom the petition has been transferred under sub-section 4(b) of Section 8 shall mainly, consider whether or not, that person was concerned in the commission or attempt to the commission or abetment of any of the offences for which the collective fine was imposed.

**9.**

The order of the apportionment of fine may be modified on the ground that it is not commensurate with the means of the individual concerned.

**10.**

An appeal from an order under sub-section (4) of Section 8 shall be filed within twenty-one days of the date of the said order.

**11.**

The memorandum of appeal shall be invariably accompanied by a certified copy of the order appealed against under sub-section (4).

**12.**

Petitions under sub-section (4) (a) and appeals under sub-section (5) of Section 8 may be presented in the Court of the District Magistrate or the Commissioner, as the case may be, at any time during office hours on working days.

**13.**

In a case where appeal has been preferred under sub-section (5) of Section 8, the balance of the fine shall not be recovered until the appeal is disposed of.

**14.**

Any person objecting to the attachment or sale of any property in the execution of a warrant issued under sub-section (7) of Section 8 on the ground that the property so attached or sold belongs to him and not to the person on whom the fine has been imposed, may file a petition within fifteen days of the attachment or sale before the officer issuing the warrant, who shall after giving the petitioner an opportunity of being heard, pass such orders as he considers fit.

**15. Public Processions.**

- The organisers, promoters or directors of public processions, except of marriage or funeral processions, or any one of them shall furnish information in writing to the District Magistrate or the Sub-divisional Magistrate having jurisdiction and to the officer-in-charge of the Police-station within whose jurisdiction the said procession is proposed to be taken out, so as to reach them at least three days in advance of the date on which the procession is proposed to be taken out, about his or their intention to take out such procession: Provided that, the District Magistrate or the Sub-divisional Magistrate may in his discretion relax the limit of three days if he is satisfied that the reasons for delay in submission of the application are satisfactory.

**16.**

The petition shall contain the details of the route of the procession, the approximate number of persons likely to take part in the procession and the purpose for which the procession is proposed to be taken out.

**17.**

The petition shall be sent to the District or the Sub-divisional Magistrate and to the Officer-in-charge of the Police-station by registered post or it shall be handed over in their offices and a receipt obtained thereof.