

# The Bihar Collective Fines (Imposition) Act, 1982

BIHAR

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### Act 70 of 1982

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The Bihar Collective Fines (Imposition) Act, 1982 (Bihar Act No. 70 of 1982) This Bill was presented in Bihar Legislative Assembly on 27.7.1982 and passed on the same day, and was passed by the Bihar Legislative Council on 31.7.1982. Assented to by the Governor on 14.8.82 and published in Bihar Gazette (Extraordinary) No. 735 of 14.8.1982. An Act to provide for imposition of collective fines on inhabitants of any area in the State of Bihar for the Maintenance of Public Order and for Preventing Danger to the Life and Property of the People of the State. Be it enacted by the Legislature of the State of Bihar in the Thirty-third Year of Republic of India as follows :-

#### 1. Short title, extent and commencement.

(1) This Act may be called the Bihar Collective Fines (Imposition) Act, 1982. (2) It shall be deemed to have come into force on the 15th April, 1981.

#### 2. Imposition of collective fine on inhabitants of an area.

(1) On being satisfied on the information received or otherwise regarding the participation of the inhabitants of any area of the State in any widespread or large scale of disturbances of public order involving rioting, murder and arson or on account of their commission, attempt to 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), offences under the Arms Act, 1959 (Act LIV of 1959) and the Indian Explosives Act, 1884 (Act IV of 1884) State Government or the District Magistrate of the district in order to prevent the recurrence of such disturbance in such area and to protect the life and property of the people of the State in general and of the area in particular or for the maintenance of public order and services or supplies essential to the life of the community, may by notification published in the Official Gazette, impose such collective fines on all or such inhabitants or class of inhabitants of the said area, as may be considered necessary : Provided that the collective fine exceeding Rupees five thousand shall not be imposed on an individual or a family; Provided also that when such a fine is

imposed by the District Magistrate, he will within ten days of such imposition of fine send a report alongwith a copy of the order to the State Government explaining therein the cause of such imposition :Provided further that where such an imposition has been made by the District Magistrate the State Government may within thirty days of such imposition, review or revise the orders of the District Magistrate on application or on its own motion.(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 or the District Magistrate may think best in the circumstances to bring the declaration to the notice of the said inhabitants:Provided that when the imposition has been made by the District Magistrate, he would send a report to the State Government indicating the reasons for imposition of the collective fine within ten days of the imposition of the fine alongwith copy of the order:Provided further that where such an imposition has been made by the District Magistrate, the State Government will have power to Review or Revise the orders passed by the District Magistrate either on application or on its own motion within thirty days of the date of the imposition.(3)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 :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 order of apportionment, under sub-section (3) may, within seven days from the date of apportionment under sub-section (3) 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 anytime transfer the petition for disposal to the Sub-Divisional Magistrate or any other officer specially empowered in this behalf.(c)After giving the petitioner a reasonable opportunity of being heard, the District Magistrate or the Sub-Divisional Magistrate or Officer specially empowered in this behalf to whom the proceeding is transferred under clause (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 other person and the total fine imposed on the inhabitants of the area under sub-section (i) shall be deemed to have been reduced to that extent:(5)An appeal preferred under sub-section (4) shall lie-(i)if the order is passed by the District Magistrate, to the Commissioner of the Division; and(ii)if the order is passed by any other officer, to the District Magistrate :Provided that no appeal shall be entertained unless fifty percent 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 fine payable by any person shall be recovered in the manner provided in the Code of Criminal Procedure, 1973 (Act II of 1974).

### **3. Saving as to order.**

- Order made in exercise of any powers conferred by or under this Act shall not be called in question in any Civil Court.

#### **4. Power of the State Government to make rules.**

- The State Government may, after previous publication, make rules not inconsistent with the provisions of this Act for carrying out the purpose of this Act.

#### **5. Repeal and Saving.**

(1)The Bihar Collective Fines (Imposition) Ordinance, 1982 (Bihar Ordinance No. 46 of 1982) is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken in the exercise of any powers conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of powers conferred by or under this Act as if this Act were in force on the day on which such thing or action was done or taken.