

Bihar Control of the use and Play of Loud Speakers Act, 1955

JHARKHAND

India

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Act 12 of 1955

- Published on 17 May 1955
- Commenced on 17 May 1955
- [This is the version of this document from 17 May 1955.]
- [Note: The original publication document is not available and this content could not be verified.]

Bihar Control of the use and Play of Loud Speakers Act, 1955(Bihar Act 12 of 1955)The following Act of the Bihar Legislature, having been assented to by the Governor on the 17th May, 1955, was published in the Bihar Gazette, Part IV, No. 5, dated the 8th June, 1955.An Act to control the use and play of Loud-Speakers in the State of Bihar.Be it enacted by the Legislature of the State of Bihar in the Sixth Year of the Republic of India as follows :

1. Short title and extent.

(1)This Act may be called the Bihar Control of the Use and Play of Loud-Speakers Act, 1955.(2)It extends to the whole of the State of Bihar.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context.(i)"Loud-speaker" 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 held during the hour of working of such Court;

or(d)between the hour of 10 P.M. and 6 A.M. without the permission in writing of the prescribed authority:Provided that the provision of clauses (b), (c) or (d) shall not apply to any local area other than a municipal area until a notification applying the provision to such local area has been published in the official Gazette by the State Government or the prescribed authority.Explanation. - A 'municipal area' means any area constituted for the time being a municipality or a notified area under the Bihar and Orissa Municipal Act, 1922 (B. & O. Act VII of 1922)] and includes Patna] as defined in the Patna Municipal Corporation Act, 1951 (Bihar Act XIII of 1952).

4. Exemption.

- Notwithstanding anything contained in clauses (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 connected with the maintenance of law and order.

5. Application for permission to use loud-speaker.

(1)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 or for purposes connected with the maintenance of law and order.(2)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 a loud-speaker.

6. Cognizance of offence 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 officer:Provided that nothing contained in this section shall affect the provisions of the [Code of Criminal Procedure, 1973] [Substituted for old Code.] (2 of 1974), in regard to the powers of certain Magistrate to take cognizance of offences upon information received or upon their own knowledge.

7. Power to seize loud-speaker.

(1)Any police officer, not below the rank of assistant sub-inspector of police, who finds a person using and playing a loudspeaker in contravention of the provisions of this Act, may seize the loud-speaker.(2)Such police-officer of any Court before which 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 provisions 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 shall 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

- The Bihar Control of the Use and Play of Loud-Speakers Act, 1947 (Bihar Act XIII of 1950), is hereby repealed.