

United Provinces Melas Act, 1938

UTTAR PRADESH

India

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Act 16 of 1938

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United Provinces Melas Act, 1938(U.P Act No. 16 of 1938)Last Updated 26th February, 2020

1. for S.O.R. see Gaz extra, d jan. 12 1938 p.4

[Received the assent of the Governor on February 24, 1939 and was published under section 75 of the Government of India Act, 1935, on March 4, 1930] [See gaz.1939 pt, VII-A, pp. 1-3]An Act for the control of certain melasPreamble. - Whereas it is expedient to make provision for the proper regulation of melas other than those held under the authority of local boards ;It is hereby enacted as follows : -

1. Short title and extent.

(1)This Act may be called the United Provinces Melas Act, 1938.(2)It extends to the whole of [Uttar Pradesh.] [Substituted by the A.O 1950.]

2. Commencement and application of the Act.

- This section and section 3 shall come into force at once, the Governor may, by notification in [Uttar Pradesh] [Substituted by the A.O 1950 for (the United provinces).] Gazette, direct that all or any part of the Act shall come into operation in any area in the [Uttar Pradesh] [Substituted by the A.O 1950 for (the United provinces).] where melas are held for such period as may be specified in such notification;[***] [Omitted by section 63 U.P. Act no. 41 of 1976.]

3.

This Act is hereby applied to the Magh Mela at Allahabad.

4. Definitions.

(1)"Mela" means a religious fair or other religious gathering of the public other than -(a)a mela or gathering held under the authority of local board; or(b)a Muslim religious gathering held in connection with a Dargah or Shrine.(ii)"District Magistrate" means the District Magistrate of the district in which a mela is held ; or, if the area of a mela lies in more than one district, such District Magistrate as the [State Government] [Substituted by the A.O. 1950. For (provincial Government).]may appoint for the purposes of this Act:[Provided that in relation to the Kumbha Mela and Ardha Kumbha Mela held at Allahabad and at Haridwar the powers of the District Magistrate under this act shall vest in the officer In charge of such Mela:Provided further that such officer In charge may delegate any of the said powers or any other power as Officer In charge under' this Act, not being the power under section 5, to an Additional Officer In-charge or Deputy Officer In charge appointed by the State Government for such Kumbha Mela or Ardha Kumbha Mela;] [Insertion by the section 64 of U.P. Act No. 41 of 1976.](iii)"Officer-in charge" means a magistrate or any person appointed by the [State Government] [Substituted by the A.O. 1950. For (provincial Government).] to perform the duties of an Officer-in-charge;(iv)"Mela area" means the area of a mela as defined by the District Magistrate.

5. Power to appoint committee.

- The District Magistrate shall, in accordance with such rules as may be framed by the [State Government] [Substituted by the A.O. 1950. For (provincial Government).] in this behalf, appoint a committee to assist the Officer-in-charge in the performance of his duties.

6. Power to impose tolls and fees.

- The District Magistrate may, after consulting the committee appointed under section 5, by rule, impose within the mela area-(i)tolls on any vehicle or animal entering, or any person bringing goods for sale, into such area, and(ii)fees on the registration of animals sold within such area.

7. Power to licence.

- The District Magistrate may, by rule, prescribe fees on payment, of which and conditions subject to which' any person or class of persons may be licensed to ply any profession, trade or calling in the mela area.

8. Allotment of sites.

(1)The Officer-in-charge may allot sites for any person or class of persons for any purpose not repugnant to the religion with which the melas connected, and may fix such rent for the site as may appear to him reasonable.(2)Without prejudice to the generality of the power contend by sub-section (1), the Officer-in-charge may allot sites for the following in particular-(i)religious societies of 'the persuasion with which the mela is connected,(ii)social and other societies and

organizations,(iii)Kalpbasis,(iv)officials,(v)market places,(vi)latrines, urinals and rubbish heaps,(vii)bathing places,(viii)recreation and entertainment, and(ix)agricultural, industrial and other exhibitions and demonstrations.

9. Power to make rules.

(1)The [State Government] [Substituted by the A.O. 1950. For (provincial Government).] may make rules generally for carrying out the purposes of this Act, and in particular for-(i)the establishment of a mela fund,(ii)providing what expenditure shall be defrayed from the mela fund and how should any surplus be utilized, and(iii)sanitation in the mela area;such rules shall be published in the Gazette.(2)The rules made by the [State Government] [Substituted by the A.O. 1950. For (provincial Government).] under the preceding sub-section shall be laid before the legislature.(3)Subject to the rules made under sub-section (1) the District Magistrate may make rules to provide generally against the outbreak or spread of fire, and particularly for the following purposes, -(i)providing for the safety of buildings and structures up in the mela, and of articles brought into the mela;(ii)prescribing conditions subject to which huts and order structures may be constructed including limits to the height of such huts or structures and the area on which they are to be built and distances between them,(iii)providing for the supply of sand and jars of water at each hut or elsewhere, and(iv)restricting the use of fires, for cooking or for any other purpose.

10.

In the event of an outbreak of fire, the Officer in charge may order the demolition of any structure if in his judgment its demolition is necessary or expedient for preventing the fire from spreading, and no suit or other proceeding shall be instituted for an act done or purporting to be done in good faith under this section.

11. Penalties.

- Any person who -(a)makes any unauthorized construction, or(b)uses any unauthorized place as a latrine, urinal or rubbish dump, or(c)plies any profession, trade or calling without a licence obtained under the provisions of section 7 or commits a breach of the conditions of such licence, or(d)contravenes any of the provisions of the Act or of they rules made under the Act, or(e)disobeys any order or direction in writing lawfully issued under this Act,shall be punishable on conviction with the fine which may extend to or one thousand rupees and where the offence is a continuing or recurring one with a further fine which may extend to [one hundred rupees] [Substituted by the A.O. 1950 (Provincial Government).] for every day after the date of the first conviction during which the offender is proved to have persisted in such offence.

12. Power to remove un-authorized construction.

- The Officer-in-charge may remove (my unauthorized construction, and the cost of such removal may be recovered from any person making the construction as an arrear of land revenue.

13. Publication and objections to rules.

(1) All rules made by the District Magistrate under section 6, 7 and 9 shall be published in the [Uttar Pradesh] [Substituted by the A.O. 1950 for (United Provinces)] Gazette. (2) Any person objecting to any such rule, may within 30 days of such publication, prefer his objection to the [State Government] [Substituted by the A.O. 1950 (Provincial Government).] and the [State Government] [Substituted by the A.O. 1950 (Provincial Government).] may confirm, modify or set aside such rule.

14. Recovery of rents.

(a) If any person fails to pay within the time allowed by the Officer-in-charge, the rent fixed under section 8 (1) or the cost referred to in section 12, or any part thereof, the Officer-in charge may forward to the Collector a certificate over his signature, specifying the amount due from such person, and the Collector shall give such person an opportunity to prefer any objection and shall after hearing and determining such objection as may be made, proceed to recover the amount entered in the certificate or such amount, if any, as he may find to be due, as an arrear of land revenue. If the Collector finds that no amount is due from such person, he shall, return the certificate to the Officer-in-charge with his finding. (b) The District Magistrate may order the adjustment from the site allotted to any lessee or licensee who contravenes any rule made by the District Magistrate under this Act.

15. Delegation of powers.

- [State Government] [The Substituted by the A.O, 1930 for (Provincial Government).] may by notification in the Gazette delegate [For delegation, see notification no. 98(2)/III-38, dated January 18, 1940, in Gaz., 1940, I.P.A 33, and no. 98(2).III-38 dated October 23, 1940, in ibid, page 725.] the power conferred on it under section 4 (iii) or 13 (2) to any authority subordinate to it.

16. [Application of U.P. Act No. 2 of 1959 for certain purposes to mela area. [Inserted by section 66 of U.P. Act No.41 of 1976.]

- The State Government may by a notification confer upon the Officer In charge of the Mela any of the powers conferred by sections 296, 298, 299 and 300 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, and upon issue of such notification the provisions of these sections shall apply to the Mela Area as if the Mela Area were part of a 'City' and the Officer In charge were Mukhya Nagar Adhikari as defined in the said Adhiniyam, and as if a contravention of the provisions of any orders of the Officer In charge under section 8 were contravention of the provisions of the said Adhiniyam.]