

The Bihar State Mela Authority Act, 2008

BIHAR

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Act 20 of 2008

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The Bihar State Mela Authority Act, 2008 Bihar Act 20 of 2008 Published in Bihar Gazette (Extraordinary) dated 3.5.2008. Preamble. - An Act to provide for the constitution of an Authority for the purpose of development, regulation and management of traditional Melas in the State of Bihar. A number of religious and cultural fairs are held every year in the State of Bihar wherein alongwith local people thousands from within the country as well as from abroad participate. At present, there is no authority in the State, which can take necessary action for development, management and regulation of these traditional fairs. It has been felt by the State Government that an authority be constituted for development, regulation and management of traditional fairs of the State with participation of officials as well as non-official members. The enactment of the bill, for this purpose, is the main objective. Be it enacted by the Legislature of the State Bihar in the fifty ninth year of the Republic of India as follows:-

Chapter 1

1. Short title, extent and commencement.

(1) This Act may be called the Bihar State Mela Authority Act, 2008. (2) It shall extend to the whole of the State of Bihar. (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint in this behalf.

2. Definition.

- In this Act, unless there is something repugnant to the subject or context:- (a) "Mela" means such Melas which are notified by State Government, for management through the Bihar State Mela authority. (b) "Authority" means Bihar State Mela Authority constituted under Section 3 of the Act; (c) "Pilgrim" includes the person, who visits a place of pilgrimage with the object, among others, of performing such rites as are usually performed by pilgrims; (d) "Development Commissioner" means Development Commissioner of Bihar duly appointed by the State

Government;(e)"Commissioner" means the Divisional Commissioner of a Division duly appointed by the State Government;(f)"Land Reforms Commissioner" means Land Reforms Commissioner-cum-Principal Secretary, Revenue & Land Reforms Department of the State of Bihar duly appointed by the State Government;(g)"Secretary" means Secretary/Principal Secretary of a Department duly appointed by the State Government;(h)"Collector" means District Magistrate-cum-Collector of the District duly appointed by the State Government;(i)"Superintendent of Police" means Superintendent of Police of the district duly appointed by the State Government;(j)"Sub-Divisional Officer" means an officer duly appointed by the State Government for the Sub-Division;(k)"D.C.L.R." means a Deputy Collector appointed for land reforms works in a Sub-Division;(l)"Prescribed" means prescribed by Rules made under this Act;(m)"Regulations" means regulations made by the Authority under this Act;(n)"Rules" means Rules made by the State Government under this Act.

Chapter II

Constitution of Authority

3. Constitution of authority.

- (i) With effect from such date as the State Government may, by notification in the Official Gazette, 'appoint in this behalf, there shall be constituted, for the purpose of this Act, an Authority, to be called Bihar State Mela Authority.(ii)The Authority at State level shall be constituted with the following members:-

- | | |
|--|-----------------------|
| (a) Minister, Revenue and Land Reforms | -
Chairman |
| Two eminent and distinguished Non-Government Persons, whoevince interest in development of internationally famous fairssuch as Shrawani fair, Bhagalpur, | |
| (b) Pitripaksh fair, Gaya, Malamasfair, Rajgir (Nalanda), Hariharkshetra fair, Sonapur (Chapra),Singheswar fair, Madhepura and Simaria fair, Begusarai; to benominated by State Government, for three years. | - Vice
Chairman |
| Ministers incharge of the Department of Home, Health, Roadconstruction, | |
| (c) Building construction, Urban Development, PublicHealth Engineering, Tourism, Energy, Food and Consumer Protectionand Information and Public Relations. | - Special
members. |
| Development Commissioner, Secretary/Principal Secretary of theDepartment of | |
| (d) Home, Health, Finance, Road Construction, BuildingConstruction, Public Health Engineering, Tourism, Information andPublic Relation, Energy, Food and Consumer Protection and Urbandevelopment; | - Member |
| Eleven eminent and distinguished Non-Government Persons, whoevince interest in development of fairs and come from areas ofthe State where other internationally | |
| (e) known as well as famousfairs are organised, will be nominated by the State Governmentfor three years. | - Member |
| (f) | |

Land Reforms Commissioner-cum-Principal Secretary, Department of Revenue and Land Reforms. - Member Secretary.

(iii) The State Mela Authority ("Authority" in brief) may associate with itself in such manner and for such purposes as may be determined by regulations, any person whose assistance or advice it may desire in complying with any of the provisions of the Act and a person so associated shall have the right to take part in the discussion of the Authority relevant to the purpose for which he has been associated but shall not be entitled to vote. (iv) The Authority may from time to time deliberate and take initiative on, welfare of and facility to visitors, policy, direction, implementation; ways to augment resources including revenue from a particular Mela, Outsourcing, Financial management, Security and other matters of importance and utility for Melas and advise and direct the Divisional and district level administrative officers as well as officers of all departments related with administration and management of Mela. (v) The State Government, can notify any other Mela, extantly not under the jurisdiction of the authority for management through the authority, on the recommendation of the authority and/or after evaluating informations received from other sources.

4. Powers and functions of the Chairman, and Vice

- Chairman of the Authority. - (1) The Chairman of the authority shall, in addition to presiding over the meetings of the authority, exercise and discharge such power and function of the authority as may be delegated to him by the authority and such other powers and function as may be prescribed. (2) The Vice-Chairman of the authority shall exercise and discharge such powers and functions of the Chairman as may be prescribed or as may be delegated to him by the Chairman.

5. Removal of the members from their office.

- The State Government may remove from the authority any member who in its opinion - (a) refuses to act. (b) has become incapable to act. (c) has so abused his office as to render his continuance in office detrimental to the public or Government interest; or (d) is otherwise unsuitable to continue as a member.

6. Secretary of the Authority

- The Authority will have a Secretary, not below the rank of Joint Secretary of the Department of Revenue and Land Reforms, duly notified by the Department of Revenue and Land Reforms, and he will manage affairs of the authority as directed by the member Secretary. He will act as Chief Executive Officer of the authority.

7. Meetings of the Committees.

(1) The meeting of the State Mela Authority may be held at least once in every three months or as and when required at any time at the desire of the Chairman.

Chapter III

Powers and Functions of the Authority

8. Powers and Functions of the Authority.

(1)The State Mela Authority may take decision as the case may be, for proper functioning, regulation and management of Mela, as well as direct and decide policy for the augmentation of revenue sources, enhancement of work of any Committee by adding any new Mela if needed, arrangement of fund, by grants, Government or other sources.

9. Special Powers of the Mela Authority.

- The Authority shall have powers to make recommendations for bringing any Mela under its authority, considering its cultural, social and religious importance or on the basis of receipt of information in this regard from other sources.

10. Control and Guidance.

- During mela period, Divisional, district and other field level officers and employees of all departments of the State Government as well as officers and personnels of local bodies associated with management of mela, will act under the guidance of Authority for the purpose of management of the Mela.

11. Recommendation for taking action.

- The Authority will have powers to recommend action against any officer or employee of the State Government associated with the management of mela, according to the prevailing Act and Rules made by the State Government, in this regard.

Chapter IV

Finance, Account and Audits

12. Fund of Mela.

- The Authority may recommend to the State Government for funds to be made available for a particular mela.

13. Power to provide amenities and impose entry fee.

- The Authority will provide amenities and have powers to impose an entry fee and surcharge for the mela period, with approval of the Government on mechanical transport, lodging houses,

Dharamshalas, retail shopkeepers advertisements, entertainment programmes (theatre, Circus etc), and such items as the authority deems fit, to be specified by the State Mela Authority from time to time, and may or may not be same for each Mela.

14. Account of the Mela Fund.

- The surcharge and entry fee will be deposited in the State Bank of India or any other Nationalized Bank, in a separate Account.

15. Manner of collection of surcharges and entry fee.

- The surcharges and entry fee levied under Section 13 of the Act shall be collected in such manner as may be determined by rules and regulations framed under the Act.

16. Constitution of Mela Fund.

- There shall be a duly constituted fund to be called Mela Development and Management Fund (MDMF) and there shall be credited:-
(i) Any grants and loans made to the Authority by the State or Central Government.
(ii) All the fees and surcharge received by the Authority under this Act.
(iii) All sums received by the Authority from such other sources as may be decided by the State Government.
(iv) The donations received as per the guidelines of the Government of India and the State Government.

17. Use of Mela Fund.

(1) The Mela development and management fund shall be utilized for meeting expenses of the Authority for discharging its functions under Section 8 of this Act.
(2) The Mela development and management fund shall be used to meet expense for fulfilment of objects and purposes, authorized by the State Mela Authority.

18. Preparation of Budget.

- The Authority, shall prepare, in such form and at such time of each financial year, as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Authority and forward the same to the Revenue Department of the Government of Bihar.

19. Annual Report.

- The Authority shall prepare, in such form at such time of each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and submit it to the Revenue Department of the State Government.

20. Accounts and Audit of Accounts.

(1) Maintenance of account of the authority shall be responsibility of the Secretary to the authority. (2) The accounts of the fund received from the State Government shall be audited by Accountant General, Bihar as well as audit section of the department of finance and the audit report will be submitted to the authority. (3) The annual account of the authority will be audited by any recognised chartered accountant who will forward the same together with the budget to the revenue and land reforms department.

Chapter V Miscellaneous

21. Functions of the Authority.

(1) Without prejudice to the foregoing provisions of this Act, the authority in the discharge of its functions and duties under this Act shall be bound by such directions on questions of policy as the State Government may give, in writing, to it from time to time. (2) The decision of the State Government shall be final.

22. Delegation of Power.

- The authority by an order in writing, may delegate to the Chairman or Vice-Chairman of the authority or any other member, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act as it may deem necessary.

23. Authentication of orders.

- All orders and decisions of the Authority shall be authenticated by the signature of the Chairman or any other member authorized by the authority in this behalf.

24. Protection of action taken in Good Faith.

(a) No suit, prosecution or other legal proceedings shall lie against any officer or other employee of the State Government acting under the Act and Rules framed therein for anything which is in good faith done or intended to be done under this Act. (b) No suit or other legal proceeding shall lie against the State Government or the authority under the Act or any of its officers or other employees for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act. (c) No court shall take cognizance of an offence against any officer or other employee discharging the duties under the Act for anything, which is in good faith done or intended to be done under this Act, except when such complaint is made after obtaining previous approval of the State Government.

25. Supersession of the Authority.

(1) If, at any time, the State Government is of the opinion—(a) That on account of a grave emergency, the authority is unable to discharge its function and duties imposed on it by or under the provisions of this Act; or (b) That circumstances exist which render it necessary in the public interest so to do; The State Government may, by Notification in the Official Gazette, supersede the Authority. (2) Upon publication of a notification under sub-section (1) for superseding the authority—(a) all the members shall, as from the date of supersession vacate their offices as such; (b) All the powers, functions and duties which may, by or under the provisions of this Act, be exercised and discharged by or on behalf of the authority, shall until the authority is reconstituted under subsection (3), be exercised and discharged by such person or persons as the State Government may direct in this behalf. (3) On the expiration of the period of supersession specified in the notification issued under sub-section (1) the State Government may, (a) extend the period of supersession as it may consider necessary; or (b) reconstitute the authority within one year from supersession.

26. Power to make Rules.

- The State Government may by notification in the official Gazette make Rules to carry out the purposes of this Act.

27. Power to make Regulations.

- The authority, with the previous approval of the Government, by notification in the Official Gazette may make regulations consistent with this Act and the Rules to carry out the purpose of this Act.

28. Administrative Department of the Authority.

- The Administrative Department of the Authority shall be The Revenue and Land Reforms Department, Government of Bihar, Patna.

29. Administrative arrangement of the authority.

- Revenue and Land Reforms Department will provide ministerial support to the authority, by recruitment/ deputation, for day to day functioning of the authority.