

U.P. Prayagraj Mela Authority, Allahabad, Act, 2017

UTTAR PRADESH

India

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Act 5 of 2018

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U.P. Prayagraj Mela Authority, Allahabad, Act, 2017(U.P. Act 5 of 2018)Statement of Objects and Reasons. - The confluence of river Ganga, Yamuna and Mystical Saraswati situated in district Allahabad of Uttar Pradesh Kumbh Mela and Ardha Kumbh Mela are organised at every twelve years and six years respectively. In the residuary period Magh Mela is organised every year. The said Melas are organised under the relevant provisions of the United Provinces Melas Act, 1938. Essential Facilities are being provided to the pilgrims in the Sangam region from the months of January to March every' years. For this purpose budget provisions are made by the State Government. The Mela Administration is responsible to provide essential facilities to the pilgrims. Besides the said Melas thousands of pilgrims come to the Sangam region everyday for holy dip in the remaining period. The said number of pilgrims reaches in lakhs on Amavasya days. In the said period, essential facilities could not be made available to the pilgrims. It has therefore been decided to make a law to establish an authority by the name of Prayagraj Mela Authority, Allahabad for the management of Melas to be organised at Allahabad in the month of Magh and Falgun (January and February') and Ardha Kumbh Mela and Kumbh Mela at intervals of every' six years and twelve years respectively at the confluence of river Ganga, Yamuna and Mystical Saraswati. It has also been decided to change the name of Ardha Kumbh Mela and Kumbh Mela as the Kumbh Mela and Maha Kumbh Mela respectively.Since the State Legislature was not in session and immediate Legislature action was necessary' to implement the aforesaid decisions, the "Uttar Pradesh Prayagraj Mela Authority, Allahabad Ordinance, 2017 (U.P. Ordinance 4 of 2017)" was promulgated by the Governor on November 13, 2017.This Bill is introduced to replace the aforesaid Ordinance.Received the assent of the Governor on January 5, 2018 and published in the U.P. Gazette, Extraordinary Part 1, Section (Ka), dated 6th January, 2018, pp. 8-13, No. 15.(Promulgated by the Governor in the Sixty-eight Year of the Republic of India)An Act to provide for the establishment of an authority to be known as the Prayagraj Mela Authority, Allahabad for management of Melas to be organized at Allahabad in the month of Magh and Falgun (January and February) and Kumbh and Maha Kumbh at intervals of every six years and twelve years respectively at the confluence of rivers Ganga, Yamuna and mystical Saraswati.It is hereby enacted in the Sixty-eighth Year of the Republic of India as follows-

1. Short title and commencement.

(1) This Act may be called the Uttar Pradesh Prayagraj Mela Authority, Allahabad, Act, 2017. (2) It shall be deemed to have come into force on November 30, 2017. (3) It extends to the area of Sangam, Allahabad or such area as may be notified by State Government in the Gazette.

2. Definitions.

- In this Act unless the context otherwise requires, - (a) "Additional Mela Adhikari" means an Officer appointed by District Magistrate for assisting the Mela Adhikari and perform the roles and responsibilities of Mela Adhikari in his absence; (b) "Kumbha Mela" means a religious fair organised at an interval of every six years at Sangam; (c) "Authority" means the Prayagraj Mela Authority, Allahabad established under Section 3; (d) "Chief Executive Officer" means the officer appointed by the State Government as Mela Adhikari; (e) "Commissioner" means the Commissioner of Allahabad Division or such officer as may be appointed by the State Government; (f) "District Magistrate" means the District Magistrate of Allahabad; (g) "Fund" means a fund under Section 17; (h) "Green Zone" means an area free from polythene, garbage and any such activity which may pollute environment and is contrary to Swachh Bharat Mission of the Central Government; (i) "Maha Kumbh Mela" means a religious fair organized at an interval of every twelve years at Sangam; (j) "Magh Mela" means a religious fair organised between Poornima of the month Magh and Mahashivratri day falling in the month of Falgun Vikram Samvat at the confluence of the rivers Ganga, Yamuna and mystical Saraswati; (k) "Mela Adhikari" means an officer appointed by the State Government for the executing and managing the Mela affairs under the supervision of the Authority; (l) "Mela Area" means an area surroundings Sangam as notified by the District Magistrate, Allahabad in Official Gazette defining the limits of the Mela area in accordance with the rules; (m) "Religious Congregation" means small and large gathering of men, women and children to perform religious rituals at the confluence of Ganga, Yamuna and mystical Saraswati and its surroundings; (n) "Sangam" means the place of confluence of rivers Ganga, Yamuna and mystical Saraswati and the surroundings thereof.

3. Establishment of the Authority.

- (I) The State Government shall within three months from the date of commencement of this Act, by notification, establish an 'Authority' to be known as 'Prayagraj Mela Authority, Allahabad,' to exercise the powers conferred and perform the functions assigned to it under this Act. (II) The authority shall be a body corporate. (III) The Head Quarter of the Authority shall be at Allahabad.

4. Composition of the Authority.

- The Authority shall consist of the following members-

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| (i) | The Commissioner, Allahabad
Division | Chairperson |
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| (ii) | Inspector General of Police,
Allahabad Zone | Vice-Chairperson |
| (iii) | The District Magistrate, Allahabad | Vice-Chairperson |
| (iv) | Mela Adhikari/Mela Magistrate | The Chief Executive Officer/ Secretary(Appointed by the State Government at the time of Maha KumbhaMela or Kumbha Mela) |
| (v) | Additional Mela
Adhikari/Additional MelaMagistrate | Member/Secretary' Appointed by the StateGovernment at the time of Maha Kumbha Mela or Kumbha Mela or anofficiating Mela Adhikari appointed by District MagistrateAllahabad will be the Member Secretary |
| (vi) | Vice-Chairman, Allahabad
Development Authority,Allahabad. | Member |
| (vii) | Senior Superintendent of Police,
Allahabad | Member |
| (viii) | Senior Superintendent of Police
(Maha KumbhaMela/Kumbha Mela, Allahabad) | Member |
| (ix) | Municipal Commissioner, Municipal
Corporation,Allahabad | Member |
| (x) | Joint Director Treasury, Allahabad | Member |
| (xi) | Managing Director, City Transport
Services | Member |
| (xii) | Chief Medical Officer, Allahabad | Member |
| (xiii) | Superintending Engineer Irrigation
Department,Allahabad | Member |
| (xiv) | Superintending Engineer, P.W.D.
Allahabad | Member |
| (xv) | Superintending Engineer, Jal
Nigam, Allahabad | Member |
| (xvi) | Superintending Engineer,
Purvanchal VidyutVitran Nigam,
Allahabad | Member |
| (xvii) | Chief Executive Officer, Cantonment
Board,Allahabad | Member |
| (xviii) | Officer In-charge, Ganga Pollution
MemberControl Board Unit,
Allahabad | Member |
| (xix) | A Representative of the Army | Member |
| (xx) | Three members to be nominated by
the StateGovernment, who shall be
an eminent persons | Member |

5. The Staff of the Authority.

(1)The authority shall have such permanent and temporary staff to run its office and day to day work;(2)The authority may, with the approval of State Government, create posts of the officers and employees of the Authority;(3)The terms and conditions of the service including the salaries and allowances of the staff appointed under sub-section (1) shall be finalized with the approval of the State Government;(4)For the purpose of carrying out its functions under this Act the Authority may requisition the services of any officer or employee with the approval of the State Government;(5)Staff referred in sub-section (1) shall be under the administrative and disciplinary control of the Chairperson, who shall be the appointing authority but perform the duties under the direct control of the Mela Adhikari/Secretary.

6. Functions of the Authority.

- The powers and functions of the Authority shall be,-(a)to enter into agreement for a long term lease of such Cantonment/other land at the Mela area to provide and create such infrastructure as the Authority may decide for better management and administration of Mela throughout the year;(b)to provide for such civic amenities in the Mela Area keeping in view the health of people and provide pollution free clean environment as per the guidelines and rules;(c)to provide for health facilities in the Mela area and activities to make the Mela area free from diseases, insects and pests throughout the year and also to provide for supply of clean potable water and first aid facilities in the Mela area;(d)to provide for electricity in the Sangam and Mela Area by temporary or permanent structure as may be permissible and required keeping in view the shifting banks of river Ganga & Yamuna;(e)to provide for a permanent Police Station equipped with all infrastructure so as to control and administer religious congregation in the Mela area and to maintain law and order in the area;(f)to develop and maintain Green Zone in and around Mela and Sangam Area.

7. Power of the Authority to impose tolls.

- The Authority may by bye-laws impose within the Mela area,-(a)tolls on the parking of vehicle or entering any vehicle or any person bringing goods for sale or for demonstration/advertisement into the Mela area;(b)fee on the registration of activity of business, trade or profession;(c)fee on the services provided to individual as service charge;(d)any other charge and fee in Mela Area as the Authority thinks fit and necessary in the interest of the Mela.

8. Power of the Authority to grant license.

- The Authority, may, by bye-laws, prescribe fee on payment of which, and conditions subject to which a person or class of persons may be granted license to carry on any profession, trade or calling in the Mela area.

9. Place of sitting.

- The Authority shall have a permanent office in a building at Allahabad with all infrastructure to meet the requirement of holding meetings of the Authority from time to time.

10. Meetings of the Authority.

(1)The Authority shall hold at least one meeting in every three months;(2)The time and place of meeting within Allahabad shall be fixed by the Chairperson;(3)The Authority may by bye-laws prescribe the procedure of the meetings.

11. Quorum for a meeting.

(1)Where any business is required to be transacted quorum shall be at least one half of the members of the Authority;(2)Where any meeting could not be held due to want of quorum, the Chairperson shall direct that the meeting to transact the business of said meeting shall be held at such time and place in Allahabad as he thinks fit and thereupon the Secretary' shall give notice to all members of the Authority.

12. Power to make rules.

- The State Government may by notification make rules for carrying out the purposes of the this Act.

13. Power to make regulations.

- The Authority may make regulations to provide for the terms and conditions of service including the salary- and allowances of the officers and employees of the Authority.

14. Power to make bye-laws.

- The Authority shall make bye-laws for prescribing the procedure of functioning of the Authority.

15. How to make bye-laws.

(1)The bye-laws of the Authority shall be made in the following manner,-(i)Preparation of the bye-laws draft. - The secretary shall prepare and put up the proposed draft before authority with the consent of the Chairperson. The Authority may sanction with or without amendment of the draft of the bye-laws;(ii)Hearing by authority of objection or suggestion to proposed draft bye-laws. - No bye-law shall be made by the Authority unless,(a)A notice of intention of the Authority to take such bye-laws into consideration on or after a date to be specified in the notice shall be given in two newspapers, before such date;(b)A certified copy of the bye-laws shall be kept at the office of the secretary' and made available for public inspection free of charge by any person desiring to pursue the same at reasonable point from the date of notice given under sub-clause (a);(c)Printed Copies of

such bye-laws shall be delivered to any person requiring the same on payment of such fee, as may be fixed by the secretary per copy;(d)All objections and suggestions which may be made in writing by any person with respect thereto before the date of the notice given under clause (a) shall have been considered by the Authority or by officer authorized by Authority for the purpose;(iii)Bye-laws to be published. - The bye-laws made under clause (ii) shall be published in the Gazette;(iv)Copies of bye-laws to be kept on sale. - The secretary shall cause bye-laws to be printed and shall cause printed copies thereof to be delivered to any person requiring the same on payment of such fee for each copy, as may be fixed by the secretary;(v)copies of the bye-laws for the time being in force shall be kept for public inspection in some part of Authority office to which the general public has access and such other places, if any, as secretary thinks fit.(2)The provisions of sub-section (1) shall mutatis mutandis apply in the modification of bye-laws.

16. Power of State Government to modify or repeal bye-laws.

(1)If at any time it appears to the State Government that any bye-law should be modified or rescissioned either wholly or in part, it shall communicate its reasons for such opinion to the Authority and prescribe reasonable period within which the Authority may make any representation with regard thereto, which it shall think fit;(2)After receipt and consideration of any such representation or, if in the meantime no such representation is received, on the expiry of the prescribed period, the State Government may at any time, by notification in the Gazette, modify or repeal such bye-laws either wholly or in part;(3)The modification or repeal of the bye-laws under sub-section (1) shall be effective from the date of publication thereof in the Gazette.

17. Funds.

(1)The Authority shall have own funds to be raised from such revenue sources as may be prescribed by it under the bye-laws the funds and finances as may be provided by the State Government for organizing Kumbh Mela or Maha Kumbh Mela or any other Mela within the area of Magh Mela;(2)The fund shall be operated by the Mela Adhikari Allahabad with the approval of the Chairperson of the Authority.

18.

No public gathering other than the religious congregation as defined under this Act shall be permitted to be organized in the Mela Area except with the prior permission of the Authority.

19.

No activity of any kind and no small or large gathering of men and women or children will be permitted in the Sangam Area which may be hazardous to environment, public peace and tranquility.

20.

The State Government may by notification confer upon the authority any of the power of the Uttar Pradesh Municipal Corporation Act, 1959, and upon issue of such notification the provisions of the sections shall apply to the Mela Area as if the Mela Area is the part of a "Municipal Corporation" and the Officer In-charge of the Authority were Municipal Commissioner defined in the said Act and as if a contravention of the provisions of any orders of the Officer In-charge shall be deemed contravention of the said Act.

21. Penalties.

- Any person who, - (a) makes any unauthorised construction, or (b) uses any unauthorised place as a latrine, urinal or rubbish dump, or (c) plies any profession, trade or calling without a license obtained under the provisions of Section 8 or commits a breach of the conditions of such license, or (d) contravenes any of the provisions of the Act or of any rules/bye-laws made under this Act, or (e) disobeys any order or direction in writing lawfully issued under this Act, shall be punishable on conviction with a fine which may extend to [one thousand rupees] and where the offence is a continuing or recurring one with a further fine which may extend to [one hundred rupees] for every day after the date of first conviction during which the offender is proved to have persisted in such offence.

22. Amendment of U.P. Act No. XVI of 1938.

- In the United Provinces Melas Act, 1938, - (a) Section 3 shall be omitted; (b) In Section 4, - (1) in the first proviso, the words 'at Allahabad and' shall be omitted', (2) the second proviso shall be omitted.

23. Power to remove difficulties.

(1) If any difficulty arises in giving effect to the provisions of this Act, by reasons of anything contained in this Act, or any other enactment for the time being in force, the State Government may, as the occasion requires, by order direct that this Act, shall, during a period not exceeding twelve months after the date of such order have effect subject to such adaptations, whether by way of modifications, addition or omission, as it may deem to be necessary and expedient; (2) No order under sub-section (1) shall be made after the expiration of a period of two years from the commencement of this Act.

24. Repeal and saving.

(1) The Uttar Pradesh Prayagraj Mela Authority, Allahabad Ordinance, 2017 (U.P. Ordinance No. 4 of 2017) is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.