

The M.P. Public Health (Regulation of Fairs, Festivals and other Large Public Assemblages) Rules, 1973

MADHYA PRADESH

India

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Rule

THE-M-P-PUBLIC-HEALTH-REGULATION-OF-FAIRS-FESTIVALS-AND- of 1973

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The M.P. Public Health (Regulation of Fairs, Festivals and other Large Public Assemblages) Rules, 1973 Published vide Notification No. 10-8-1973-4-17-Med. 4, dated 28-12-1973, M.P. Rajpatra Part 4 (Ga), dated 25-1-1974 at pages 43-50 In exercise of the powers conferred by Section 141, read with sub-sections (3) and (5) of Section 123, Section 127, sub-section (12) of Section 130 and clause (a) of sub-section (2) of Sections 132 and 135 of the Madhya Pradesh Public Health Act, 1949 (No. 36 of 1949), the State Government, hereby, makes the following rules, same having been previously published as required by sub-section (3) of Section 141 of the said Act, namely :-

Chapter I Preliminary

1. Short title.

- These rules may be called the Madhya Pradesh Public Health (Regulation of Fairs, Festivals and other Large Public Assemblages) Rules, 1973.

2. Definitions.

- In these rules, unless the context otherwise required, -(a) "Act" means the Central Provinces and Berar Public Health Act, 1949 (No. 36 of 1949); (b) "Sale Officer" means any officer or servant or member of the local authority concerned appointed as such by the responsible authority for the

purposes of these rules;(c)"Section" means a section of the Act;(d)"Superintendent" means a Superintendent appointed under Rule 3 of these rules;(e)"Tax" means the tax imposed under sub-section (1) of Section 128 of the Act;(f)"Tax Collector" means any person appointed by the responsible authority to collect tax;(g)"Toll Collector" means any person appointed by the responsible authority to collect tolls;(h)" Vehicle" means any vehicle other than a motor vehicle.

Chapter II

Fair and Festivals

3. Superintendent.

- For the purposes of these rules the Collector shall appoint, from among the persons specified below, a Superintendent of the fair, festival or other large public assemblages and one or more Assistant Superintendents,-(a)a Deputy Collector;(b)an Assistant Collector;(c)a police officer not below the rank of Sub-Inspector;(d)sarpanch or a member of the local Panchayat or Patel of the village in which the fair or festival or other large public assemblage to be held;(e)in the case of religious fair, festival or large public assemblage the head or a representative of the temple or religious institution concerned;(f)a representative of the Public Health Department.

4. Police Officers to assist the Superintendent.

- For the purposes of watch and ward, the Collector may detail police officers to assist the Superintendent.

5. Powers of the Superintendent.

- The Superintendent shall have the power to,-(a)regulate the construction and location of booths, sheds and shops;(b)allot sites for the erection of shops and stalls;(c)Ask any trader to remove from fair, festival or public assemblage any article of food or drink for human consumption;(d)maintain order in fair, festival and the public assemblage and to keep it in a sanitary condition and confine traders to areas set apart for sale of particular commodities;(e)ask a trader using false weights and measures to remove himself from the fair, festival and public assemblage;(f)regulate the gathering of animals and halting of carts and vehicles;(g)order any of the following persons to remove themselves from the fair, festival or public assemblage-(i)a person suffering from infectious or contagious disease;(ii)a person intoxicated or of riotous or disorderly conduct;(iii)a person who refused to pay the taxes or the toll demandable from him;(h)regulate the extinction of light and fires;(i)order to remove any animal suffering from the infectious disease or contagious disease.

6. Appeal.

- Any person aggrieved by an order passed by the Superintendent of the fair, festival or public assemblage may appeal to the Collector within thirty days from the date of the order.

7. Measures for sanitation.

(1)The Health Officer shall do all things necessary for the proper performance of scavenging of the local area in which the fair, festival or public assemblage is held.(2)The Health Officer may order the occupier or owner of any building, premises or land in the local area in which the fair, festival or public assemblage is held to keep them in proper conditions and thereafter to maintain them in clean state if the property in his opinion is filthy and not being kept properly.(3)No person shall erect the private latrine within such local area except with the permission of the Health Officer subject to such conditions as may be imposed by him.(4)No person shall practise trade of shaving or cutting hair in such local area except with the permission of the Health Officer at such places as may be notified by him for the purpose.(5)No person shall case himself in the local area in which the fair or festival or public assemblage is held except in such places as may be reserved for such purposes.(6)The Health Officer may set apart places which alone shall be used for the purposes of calls of nature and may make arrangements for protecting wells situated within the local area in which the fair or festival or public assemblage is held from contamination.(7)No person shall use any place for bathing or washing clothes or bathing the cattle other than that reserved for the purpose.

8. Measure for controlling the sale of foodstuffs.

(1)It shall be lawful for the Health Officer to destroy any overripe fruits, rotten foodstuffs or other articles which are not fit for human consumption without giving any compensation whatsoever to the owner.(2)All hotels and lodges in the local area in which the fair or festival or public assemblage is held shall be inspected by the Health Officer or his nominee regarding the wholesomeness of food and sanitary facilities provided for the lodges and the decision of the Health Officer or his nominee in the matter shall be final and binding on the owner of the hotel and lodge against which there shall be no appeal.

Chapter III

Regulation and Collection of Tax

9.

The responsible authority may establish tax stations at or within the limits of the area of fair or festival centre to intercept traffic and facilitate the collection of tax may appoint as many persons as it may deem fit, as tax collectors and entrust the work of collecting the tax to them.

10.

Every person visiting a fair or festival centre shall pay the tax to the Tax Collector.

11.

The Tax Collector shall give the person a printed receipt in token of having received the amount of tax, retaining the counter-foil with him. The Tax Collector shall deposit the daily collections of the tax immediately on the next day with the responsible authority. He shall also maintain the account of daily collections, and shall produce the same whenever required for inspection of the responsible authority or such other person as it may authorise in this behalf.

12.

At every tax station, a copy of the notification published under sub-section (i) Section 128 shall be put up legibly written in Hindi in some conspicuous place.

13.

No person shall, with intent to evade payment of the tax, -(a) pass a tax station in surreptitious manner; or (b) pass a tax station without paying the tax to the Tax Collector; or (c) leave the street on which a tax station has been established and pass over any adjacent land not being either a public street or land of which such person is the owner or occupier.

14.

The responsible authority shall submit to the Director through the Collector a return in Form I within one month from the closure of the fair or festival. Such return shall be accompanied by a statement giving the names of persons employed for collecting the tax, dates of their employment, number of days on which each person has worked, rate of payment and the total amount paid to each person. The Director shall return the statement, after scrutiny, to the responsible authority.

15.

In cases where the fair or festival is held within the jurisdiction of two or more local authorities the proceeds of the tax shall, after deducting the expenses of collection, be distributed by the responsible authority between the local authorities concerned in such proportions as may be determined by the State Government.

16.

In the event of any dispute between two or more local authorities concerned, the matter shall be referred to the Collector within whose jurisdiction the local authorities are situated and where such local authorities are situated within the jurisdiction of two or more Collectors to such one of them as the State Government may direct, and the decision of the Collector in the matter shall be final and binding on the parties to the dispute.

17.

Whoever contravenes the provision of Rule 13 or otherwise tries to evade the payment of tax shall be punishable with fine which may extend to Rs. 200.

Chapter IV

Regulation and Collection of Toll

18.

The responsible authority may, whether the tolls have been leased out or not, compound with any person living within the limits of the fair or festival centre for certain sum to be paid by such person for any vehicle or animal kept by him in lieu of all tolls payable under the provisions of sub-section (4) of Section 128.

19.

Every person in-charge of a vehicle or animal entering a fair or festival centre shall stop the vehicle or animal at the toll station, and shall pay the requisite toll.

20.

(1) If the toll leviable on a vehicle or animal under the Act is not paid on demand, the Toll Collector may seize any of the vehicles or animals on which it is chargeable, or any part of their burden of the sufficient value to defray the toll : and if any toll remains undischarged for twenty-four hours with the cost arising from such seizure, he shall forthwith send the property to the Sale Officer. (2) On receipt of the property seized for discharge of toll under sub-rule (1), the Sale Officer shall give notice forthwith to the owner of the property seized, or if the owner is not known or is not resident within the fair or festival centre, to the persons who was in charge of the said property at the time when it was seized, or, if such person cannot be found, publish by beat of drum within the fair or festival centre, that after the expiry of three-day exclusive of Sunday, from the date of service or publication of such notice, he will sell the property by auction at a place to be specified in the notice. (3) If at any time before the sale has begun the owner of the property seized, or the person who was in-charge of the said property at the time when it was seized, renders to the Sale Officer, - (i) the amount due on account of the toll; (ii) such sum not exceeding the amount of the toll as the responsible authority may direct by way of penalty; and (iii) a sum of 50 paise on account of charges incurred in connection with the seizure and detention of the property. The Sale Officer shall forthwith release the property. (4) If the property seized is sold the Sale Officer shall, after deducting from the proceeds of the sale the amount towards the payment of toll, and such sum not exceeding the amount of tolls as the responsible authority may direct by way of penalty, and one rupee as expenses occasioned by such non-payment, seizure and sale, cause any balance that may remain to be returned on demand to the owner of the property or the person who was in-charge of the property

at the time when it was seized.

21.

No person shall, with intent to evade payment of toll cause a vehicle or animal, -(a) to pass a toll station in a suspicious manner; or (b) to pass a toll station without stopping and without paying the toll to the Toll Collector; or (c) to leave the street on which a toll station has been established and pass over any adjacent land, not being either a public street or land of which such person is the owner or occupier.

22.

At every toll station, a copy of the notification published under sub-section (4) of Section 128 shall be put up legibly written in English and in the language or languages of the district in some conspicuous place near such toll station, and in the absence of such notification, no toll shall be leviable at such toll station.

23.

All police officers shall be bound to assist the toll collectors, when required in the execution of the Act and these rules any for that purpose shall have the same power which they have in the exercise of their common police duties.

24.

The Toll Collector shall grant to the person a receipt for the amount received as toll, and retain the duplicate of such receipt with him.

25.

In cases where the fair or festival is held within the jurisdiction of two or more local authorities, the proceeds of the tolls levied under the provisions of sub-section (4) of Section 128 shall, after deducting the expenses of collection, be distributed between the local authorities in such proportions as may be determined by the State Government.

26.

Whoever contravenes the provisions of Rule 21 or otherwise tries to evade the payment of toll or offers resistance to the seizure and detention of any vehicle or animal in respect of which toll is not paid, shall be punishable with fine which may extend to Rs. 100.

Chapter V

Purpose for which the Provision shall be Made by the Local Authority under Clause (12) of Section 130 of the Act

27.

The local authority within whose jurisdiction a fair or festival is held, or if the fair or festival is held within the jurisdiction of two or more local authorities, any person or committee appointed by such local authorities jointly, shall make provision for the following purposes in addition to those mentioned in clauses (1) and (2) of Section 130 namely, -(a) the accommodation of the public health, medical and staff posted; (b) opening of temporary veterinary dispensaries in connection with cattle fairs; (c) the prevention of accidents by fire or drowning; (d) the parking of vehicles; and (e) the prevention of nuisance.

Chapter VI

Authority or Person to Whom the Information of Seizure to be Reported

28.

Any officer seizing any food under clause (c) of sub-section (i) of Section 132 shall, if it is not destroyed under that clause, report the seizure to any Magistrate, not below the rank of a Magistrate of the second class having jurisdiction over the area of the fair or festival center.

Chapter VII

licensing of Houses for Accommodating Visitors to Fair or Festival

29.

Every application for a licence under sub-section (1) of Section 135 shall be made in Form II and shall be accompanied by a fee of Rs. 2 for every period of 15 days or part thereof for which the licence is applied for.

30.

The licence shall be given in Form III and shall be subject to the conditions mentioned thereof.

31.

Whoever commits a breach of any of the provisions of Rule 29 or 30 or, any condition of the licence, shall be punishable with fine which may extend to Rs. 50 and, in the case of continuing breach, with fine which may extend to Rs. 15 for every day during which the breach continues after conviction for the first breach.

32. Repeal and savings.

- All rules corresponding to these rules in force immediately before the commencement of these rules are hereby repealed :Provided that any order made or any action taken under these rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

Form I (To be submitted within one month from the closure of the fair or festival)

Name of the fair or festival (if any).....Place.....Duration of the fair or festival.....Name of village-Tahsil.....District.....

of local authority or names of local authorities within whose jurisdiction held.....Approximate gathering which visited the fair or festival.....Amount of tax collecting the tax Rs.....Expenditure incurred in collecting the tax Rs.....Wage Bill of the persons employed.....Other incidental expenses Rs.....Total : Rs.....Balance Rs.....

Signature.....Dated.....Form II (See Rule 29) Application for Licence To, The Executive Authority/The Health Officer, Municipal Corporation/Municipal Committee/Notified Area Committee/Janapada Sabha Area/Gram Panchayat.

1. Name of owner/occupier and full address.....

2. Name and municipal or other number, if any, of the building.....

3. Exact situation (in detail).....

4. Number of rooms and verandah available for accommodation.....

5. Number of persons residing in the house.....

6. Number of visitors proposed to be accommodated.....

7. Nature of water-supply whether served by tap connection or well.....

8. Name of festival for which application made.....

9. Other information, if necessary'

Date.....Signature of owner/occupier. Form III (See Rule 30) Form of Licence Licence for accommodating visitors to fair or festival under sub-section (1) of Section 135 Licence No.....

1. Name of licensee in full.....

2. Address of licensee in full

3. Number of residents in the house

4. Maximum number of persons (residents and visitors) to be accommodated at any one time).....

5. Full description of premises.....

6. Name of fair or festival.....

7. Period for which licence shall remain in force.....

8. Amount of fee received.....

Date.....Signature of Health Officer Executive
Authority Designation.....