

THE UNITED PROVINCES MELAS ACT, 1938¹

[U. P. Act No. XVI of 1938]

Amended by

U. P. Act no. 41 of 1976

***Adapted and modified by Adaptation of Laws Order, 1950.
[Received the Assent of the Government on February 24, 1939,
and was published² under section 75 of the Government of India
Act, 1935, on March 4, 1939]***

An Act

for the control of certain melas

Preamble

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 :

Title and extent

1. (1) This Act may be called the United Provinces Melas Act, 1938.

(2) It extends³ to the whole of ⁴[Uttar Pradesh].

Commencement and application of the Act

2. This section and section 3 shall come into force at once. The Governor may, by notification in ⁴[Uttar Pradesh] *Gazette*, direct that all or any part of the Act shall come into operation in any area in the ⁴[Uttar Pradesh] where *melas* are held for such period as may be specified in such notification :

⁵[* * *]

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

Definitions

4. (i) “*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.

1. For Statement of Objects and Reasons see Gaz. Extra., d. Jan. 12, 1938 p. 4.

2. See Gaz., 1939, Pt. VII-A, pp. 1—3.

3. This Act has been extended to the areas mentioned in column 1 of this table under the Act or Order mentioned in column 2 and enforced in such areas under notification, if any, mentioned in column 3 with effect from the date mentioned in column 4 against each such area :

Areas	Act or Order under which extended	Notification if, under which enforced	Date from which enforced
1	2	3	4
1. Rampur District	Rampur (Application of Laws) Act, 1950	...	Dec. 30, 1949
2. Banaras District	Banaras (Application of Laws) Order, 1949	No. 3262(1)/XVII-30-MERGE, dated Nov. 30, 1949	Nov. 30, 1949
3. Tehri-Garhwal District	Theri-Garhwal (Application of Laws) Order, 1949.	Not. no. 3262(2)/XVII-MERGE, dated Nov. 30, 1949	Ditto

4. Subs. by the A. O. 1950 for (the United Provinces).

5. Omit. by sec. 63 of U. P. Act no. 41 of 1976.

(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 ¹[State Government] may appoint for the purposes of this Act ;

² [Provided that in relation to the Kumbha Mela and Ardha Kumbha Mela held at Allahabad and at Hardwar the powers of the District Magistrate under this act shall vest in the officer Incharge of such Mela :

Provided further that such officer Incharge may delegate any of the said powers or any other power as Officer Incharge under this Act, not being the power under section 5, to an Additional Officer In-charge or Deputy Officer Incharge appointed by the State Government for such Kumbha Mela or Ardha Kumbha Mela].

(iii) “Officer-incharge” means a magistrate or any person appointed by the ¹[State 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.

**Power to
appointed
Committee**

5. The District Magistrate, shall, in accordance with such rules as may be framed by the ¹[State Government] in this behalf, appoint a committee to assist the Officer-in-charge in the performance of his duties.

**Power to
impose tolls
and fees**

6. 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.

**Power to
licence**

7. 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.

**Allotment of
sites**

8. (1) The Officer-in-charge may allot sites for any person or class of persons or for any purpose not repugnant to the religion with which the *mela* is connected, and may fix such rent for the site as may appear to him reasonable.

1. Subs. by the A.O. 1950 for (Provl. Govt.).

2. [Ins. by the sec. 64 of U. P. Act No. 41 of 1976.](#)

(2) Without prejudice to the generality of the power conferred 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.

**Power to
make rules**

9. (1) The ¹[State 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 ¹[State 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*,

1. *Subs.* by the A. O. 1950 for (Provl. Govt.).

(ii) prescribing conditions subject to which huts and other 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 but 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.

Penalties

11. 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 any 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 a fine which may extend to ¹[one thousand rupees] and where the offence is a continuing or recurring one with a further fine which may extend to ¹[one hundred rupees] for every day after the date of the first conviction during which the offender is proved to have persisted in such offence.

**Power to
remove un-
authorized
construction**

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

**Publication
and
objections to
rules**

13. (1) All rules made by the District Magistrate under sections 6, 7 and 9 shall be published in the ²[*Uttar Pradesh*] *Gazette*.

(2) Any person objecting to any such rule, may within 30 days of such publication, prefer his objection to the ³[State Government] and the ³[State Government] may confirm, modify or set aside such rule.

¹. *Subs. by sec. 65 of U. P. Act No. 41 of 1976.*

². *Subs. by the A. O. 1950 for (United Provinces).*

³. *Subs. by the A. O. 1950 for (Provl. Govt.).*

**Recovery of
rents**

14. (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 ejectment from the site allotted to any lessee or licensee who contravenes any rule made by the District Magistrate under this Act.

**Delegation of
powers**

15. The ¹[State Government] may by notification in the Gazette delegate² the power conferred on it under section 4 (iii) or 13 (2) to any authority subordinate to it.

**Application
of U. P. Act
No. 2 of 1959
for certain
purposes to
mela area.**

³**16.** The State Government may by a notification confer upon the Officer Incharge 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 Incharge were 'Mukhya Nagar Adhikari' as defined in the said Adhiniyam, and as if a contravention of the provisions of any orders of the Officer Incharge under section 8 were contravention of the provisions of the said Adhiniyam.]

1. Subs. by the A. O. 1950 for (Provl. Govt.).

2. For delegation, see not. no. 98(2)/III—38, d. Jan. 18, 1940, in Gaz., 1940, Pt. 1. p. 33, and no. 98(2)/III—38, d. Oct. 23, 1940, in *ibid*, p. 725.

3. [Ins. by Sec. 66 of U. P. Act No. 41 of 1976.](#)

