

Madhya Bharat Sinhastha Mela Act, 1955

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(M.B. Act No. 27 of 1955)

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LEGISLATIVE HISTORY 6

Received the assent of H.H. the Raj Pramukh on 8th October, 1955; Assent First published in M.B. Gazette, dated 19-10-1955.

An Act to provide for the proper management of the Sinhastha Meta at Ujjain.

Be it enacted in the Sixth year of the Republic of India, as follows :-

1. **Title and extent.**- (1) This Act may be called the Madhya Bharat Sinhastha Mela Act, 1955.

(2) It extends to such area as may from time to time be defined by the District Magistrate and notified in the Government Gazette as Sinhastha Mela Area.

2. **Commencement.**- It shall come into force on such date as may be notified by the Government in this behalf in the Gazette. The Government may notify different dates for bringing into force different parts of this Act.

3. **Repeal.**- The Regulation Babat Intajam Mela Sinhastha Ujjain, Samvat 1968 and all other rules and regulations issued in this behalf, are hereby repealed.

4. **Definitions.**- In this Act,-

(1) "*Mela*" means the Sinhastha Mela at Ujjain;

(2) "*District Magistrate*" means the District Magistrate of Ujjain;

(3) "*Mela Officer*" means any person appointed by the Government to perform the duties of Mela Officer at Ujjain;

[(4) "*Chief Health Officer*" means any person appointed by the Government to perform the duties of Chief Health Officer];

(5) "*Mela Season*" means the period prescribed by the District Magistrate and notified as the Sinhastha Mela Season in the Gazette;

(6) "*Mela Fund*" means the fund whereto all receipts accruing to the Government on account of the imposition of tolls, fees, taxes etc. during the Mela Season in the Mela Area shall be credited;

(7) "*Mela Area*" means the area notified as such under sub-section (2) of Section 1.

5. **Power to appoint Committee.**- The Government shall appoint a Central Committee to formulate policy and guide and advice the District Magistrate and the Local Committee in the performance of their duties under this Act.

(2) The Government may also appoint a Local Committee to assist the District Magistrate and the Mela Officer in the performance of their duties under this Act.

6. **Power to impose tolls and fees.**- Subject to the general or special orders of the Government, the District Magistrate may after consulting the Local Committee appointed under Section 5, 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 license.**- 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 during the Mela Season.

8. **Allotment of sites.**- [(1) The Mela Officer may allot sites by public auction or otherwise as he may deem necessary for any purpose not repugnant to Hindu religion, to any person or class of persons and may fix such rent for the site as may appear to him reasonable.]

(2) Without prejudice to the generality of the power conferred by sub-section (1), the Mela Officer may allot sites for the following in particular

(i) Hindu Religious Societies;

(ii) Social and other societies and organisations;

(iii) Sweetmeat shops and Restaurants;

(iv) Officials;

(v) Market Places;

(vi) Latrines, urinals and rubbish heaps;

- (vii) Bathing places;
- (viii) Recreation and entertainment;
- (ix) Agricultural, industrial and other exhibitions and demonstrations;
- (x) Post, telegraph and telephone offices;
- (xi) Centres for medical aid and attendance; and
- (xii) Centres for rest and protection.

Note. - For the item Nos. (iii), (v), (vi) and (vii) the Mela Officer shall allot sites in consultation with the [Chief Health Officer].

9. Power to make rules.- (1) The Government may make rules generally for carrying out the purposes of this Act, and in particular for-

- (i) the establishment of a Mela bund;
- (ii) providing what expenditure shall be defrayed from the Mela Fund and how should any surplus be utilised; and
- (iii) Sanitation in the Mela Area. Such rules shall be published in the Gazette.

(2) Subject to the rules made under sub-section (1), the District Magistrate may make rules to provide generally against the out-break or spread of fire, and particularly for the following purposes :-

- (i) providing for the safety of building and structures put up in the Mela Area and of articles brought into the Mela Area;
- (ii) prescribe conditions subject to which huts and other structures may be constructed in the Mela Area 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 jars of water and such other material as may be considered necessary for extinguishing fire; and
- (iv) restricting the use of fires for cooking or for any other purpose.

(3) Subject to the rules made under sub-section (1), the District Magistrate may with the

concurrence of [Chief Health Officer] make rules to provide generally against the out-break and spread of epidemic diseases, or particularly for the following purposes :-

- (i) Compulsory isolation and removal of any persons suffering from dangerous infectious disease;
- (ii) Disinfection of any house, dwelling, building, source of water-supply or any other suspected source of infection;
- (iii) Conditions subject to which persons can enter or leave the Mela Area;
- (iv) Destruction of any food or other material meant for human consumption.

10. **power of Mela Officer on out-break of fire.**- In the event of an out-break of fire, the Mela Officer or any person specially authorised by the Government in this behalf may order the demolition of any structure within the Mela Area if in his judgement 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 unauthorised construction within the Mela Area; or
- (b) uses any unauthorised place within the Mela Area as a latrine, urinal or rubbish dump; or
- (c) plies any profession, trade or calling without a license obtained under the provisions of Section 7 or commits a breach of the conditions of such license; or
- (d) contravenes any of the provisions of the Act or of any rules made under this Act; or
- (e) disobeys any order or direction in writing lawfully issued under this Act;

shall be punishable [on conviction with simple imprisonment which may extend to three months or with fine which may extend to two hundred rupees or with both], and where the offence is a continuing or recurring one, with a further fine which may extend to Rs. 25 for everyday after the date of the first conviction during which the offender is proved to have persisted in such offence.

12. **Power to remove unauthorised construction.**- The Mela Officer may remove any unauthorised construction within the Mela Area, and the cost of such removal may be recovered from any person making the construction as an arrear of land revenue.

13. **Publication of and objections to rules.**- (1) All rules made by the District Magistrate under Sections 6, 7 and 9 shall be published in the Gazette.

(2) Any person objecting to any such rule, may within fifteen days of such publication, prefer his objection to the Government.

(3) The Government may modify or set aside such rule, on consideration of such objection or on its own motion.

14. **Recovery of rents.**- (1) If any person fails to pay within the time allowed by the Mela Officer, the rent fixed under Section 8 (1) or the cost referred to in Section 2 or any part thereof, the Mela Officer 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 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 Mela Officer with his finding.

(2) The District Magistrate may order the ejectment from the site allotted to any lessee or licensee who contravenes any rules made by the District Magistrate under this Act.

15. **Committees appointed before commencement.**- Any Committee or Committees appointed by Government in connection with the arrangements of the Mela before the commencement of this Act shall be deemed to have been appointed under this Act.

16. **Delegation of powers.**- The Government may, by notification in the Gazette delegate the powers conferred on it under Section 13 to any authority subordinate to it.

17. **Municipal functions within Mela Area.**- Notwithstanding the provisions of the [Madhya Pradesh Municipal Corporation Act, 1956 (23 of 1956)], Government may by a notification in the Gazette, empower the Mela Officer or any other officer to exercise all or any of the powers and to perform all or any of the functions of the [Municipal Corporation, Ujjain] in the whole or any part of the Mela Area lying in the [Corporation limits] for the duration of the Mela or any part thereof. So long as and to the extent to which these powers are so vested in an officer empowered under this section, the [Municipal Corporation, Ujjain] will cease to exercise those powers and to perform those functions in the area so notified.