

Gwalior Vyapar Mela Pradhikaran Adhiniyam, 1996

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Gwalior Vyapar Mela Pradhikaran Adhiniyam, 1996

An Act to provide for the better management and control of the Cwalior Trade Fair. Be it enacted by the Madhya Pradesh Legislature in the Forty-seventh Year of the Republic of India as follows :-- 1. Received the assent of the Governor on the 28-12-1996; assent first published in the "Madhya Pradesh Gazette (Extraordinary)", dated the 30-12-1996.

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Gwalior Vyapar Mela Pradhikaran Adhiniyam, 1996.
- (2) It extends to such area as may from time to time be defined by the State Government by notification as Gwalior Trade Fair area.
- (3) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions :-

In this Act, unless the context otherwise requires,--

- (i) "Authority" means the Gwalior Trade Fair Authority constituted

under Section 3;

(ii) "Trade Fair" means trade, industrial, agricultural, cattle fairs or any other fair as may be specified by the State Government from time to time held at Gwalior trade fair area.

3. Constitution Of Gwalior Trade Fair Authority :-

(1) The State Government shall constitute a body to be called as "the Gwalior Trade Fair Authority" to manage and control the trade fair.

(2) The Gwalior Trade Fair Authority shall have a perpetual succession and a common seal and shall sue and be sued by the said name.

(3) The authority shall consist of the following members, namely,--

(i) the minister incharge of the Commerce and Industry Department of the State or a person nominated by the State Government who shall be the Chairperson;

1[(ii) a person nominated by the State Government who shall be the Vice-Chairperson;

(ii-a) Commissioner, Gwalior Division, Gwalior;]

(iii) a representative of Commerce and Trade;

(iv) a representative from the field of Arts and Culture;

(v) a representative of Industry;

(vi) the member of the House of People representing the constituency which wholly or partly falls within the Trade Fair area;

(vii) the Member of the Legislative Assembly representing the constituency which wholly or partly falls within the Trade Fair area;

(viii) the Mayor of Municipal Corporation, Gwalior;

(ix) the President of the Zila Panchayat, Gwalior;

(x) one representative of the Trade Fair authority of India, New Delhi;

(xi) the Collector, Gwalior;

2[(xii) the Zonal Industries Officer, Gwalior who shall be the Secretary;

(xiii) the General Manager, District Industries Centre, Gwalior;]

(xiv) three social workers from different fields;

3[(xv) the Inspector-General of Police, Gwalior.]

(4) All non-official members shall be nominated by the State Government and shall hold office for a term of three years from the date they assume charge.

(5) No act or proceedings of the Authority shall be invalid merely on the grounds of the existence of any vacancy in or any defect in

the constitution of the Authority.

(6) The non-official members shall be paid such travelling and daily allowances as may be prescribed.

1. Substituted by Section 2 (a) of M.P. Act No. 35 of 1997 (w.e.f. 22-8-1997).

2. Substituted by Section 2 (b) of M.P. Act No. 35 of 1997 (w.e.f. 22-8-1997).

3. Inserted by Section 2 (c) of M.P. Act No. 35 of 1997.

4. Removal Of Member Of Authority :-

If in the opinion of the State Government the continuance of any member in the Authority is undesirable it shall be open to the Government to remove such member from the Authority without assigning any reason therefor.

5. Officers And Other Employees Of The Authority :-

(1) The authority may appoint such number of officers and employees as may be necessary for the efficient performance of its functions.

(2) The salaries and allowances payable to and the other terms and conditions of the officers and other employees appointed for the purpose of the Authority shall be such as may be prescribed.

6. Management And Control Of The Trade Fair :-

As soon as the Authority constituted by the State Government under Section 3, the management and control of the Gwalior Mela and the assets and liabilities, if any, of the Gwalior Mela Committee managing the Gwalior Mela at the time of constitution of the Authority together with all funds, if any, shall pass on and be vested in the Authority.

7. Levy Of Rent By The Authority :-

Notwithstanding anything contained in the Madhya Pradesh Municipal Corporations Act, 1956 (No. 23 of 1956) or any other law for the time being in force in the trade fair area, the Authority may, during the period of the trade fair which shall be notified by the State Government in the Gazette, levy such rent for the land comprised in the said area as may be specified in the bye-laws to be framed by the Authority with the approval of the State Government.

8. Power To Grant Licence :-

The Authority may 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 trade fair during the period of trade fair.

9. Power To Remove Persons From Trade Fair Area :-

If any officer specially empowered in this behalf by the Authority is satisfied that any person occupying any stall or space in the trade fair area is in unauthorised occupation of the stall or space or continues to occupy the stall or space after authority to occupy has ceased, he may, with previous sanction of the Authority, require such person to vacate the stall or space within such time as may be mentioned in the requisition and such person may, in addition to any penalty to which he may be liable under this Act, be summarily removed from the stall or space.

10. Fund Of The Authority :-

(1) All moneys realised by or income accruing to the Authority shall be credited to a Fund to be called the "Gwalior Trade Fair Authority Fund."

(2) The Fund shall not be utilised for any purpose other than that of the trade fair.

(3) The moneys of the Fund shall be deposited either in a Scheduled Bank or a Co-operative Bank at Gwalior.

(4) The Fund shall be operated under the signature of the Secretary of the Authority or such other officer authorised in this behalf by the Chairperson.

(5) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts as may be prescribed.

(6) The accounts of the Authority shall be audited in the prescribed manner.

11. Annual Report :-

The Authority shall prepare in such form and by such date for each financial year, as may be prescribed, its annual report giving full account of its activities during the previous financial year and forward a copy thereof to the State Government.

12. Penalties :-

Any person who,--

(a) makes any unauthorised construction within the trade fair area;
or

(b) uses unauthorisedly any place within the trade fair area as a latrine, urinal or rubbish dump; or

(c) plies any profession, trade or calling within the trade fair area without a licence obtained from the Authority or commits a breach of the condition of such licence; or

(d) contravenes any of the provisions of the Act or any rules made thereunder; or

(e) disobeys any order or directions in writing lawfully issued under this Act;

shall be punishable on conviction with a fine which may extend to five thousand rupees and where the offence is continuing or recurring one, with a further fine which may extend to rupees one hundred for every day after the date of first conviction during which the offender is proved to have persisted in such offence.

13. Immunity Of Members :-

No suit or other legal proceedings shall be brought against any member of the Authority for any act done or purported to have been done by him in good faith in the performance of his duties as such member nor shall he be personally liable for any act or omission of the said Authority.

14. Power To Frame Bye-Laws :-

The Authority may, with the approval of the Government from time to time, frame bye-laws for regulating its procedure or for management and control of the fair or for levying any fee or other charges.

15. Power To Make Rules :-

(1) The State Government may by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely,--

(a) travelling and daily allowance payable to the non-official

members;

(b) salaries and allowances payable to the officers and other employees and other terms and conditions of their service;

(c) sanitation in the mela area;

(d) to provide safeguard against the outbreak or spread of fire;

(e) providing for the safety of building and structures set-up in the trade fair area and of articles brought into the fair;

(f) 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;

(g) restricting the use of fires for cooking or for any other purpose;

(h) any other matter which is required to be or may be prescribed.

(3) Every rule made under this Act shall be laid as soon as may be after it is made before the Legislative Assembly.

16. Repeal :-

On and from the date of commencement of this Act, Qawad Mela Va Numaish Gwalior, 1934 and any other law for the time being in force on the subject shall stand repealed.