

Madhya Pradesh Maihar Sharda Devi Mela Adhiniyam, 1998**15 of 1998****[06 June 1998]**

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Madhya Pradesh Maihar Sharda Devi Mela Adhiniyam, 1998**15 of 1998****[06 June 1998]**

An Act to provide for the proper management of the Maihar Sharda Devi Mela and the Mela Area in Maihar Tahsil, District Satna. Be it enacted by the Madhya Pradesh Legislature in the Forty-ninth Year of the Republic of India as follows :-- 1. Received the assent of the Governor on 6-6-1998; assent first published in the "Madhya Pradesh Gazette (Extraordinary)" dated 9-7-1998 at pp. 768 (5-8).

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Madhya Pradesh Maihar Sharda Devi Mela Adhiniyam, 1998.
- (2) It extends to such area as may from time to time be notified by the State Government, as Maihar Sharda Devi Mela Area.
- (3) It shall come into force on such date¹ as the State Government

may, by notification, appoint and different dates may be appointed for different provisions of this Act.

1. W.e.f. 1-6-1999

2. Definitions :-

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

- (a) "Mela" means the Maihar Sharda Devi Mela in Maihar Tahsil, District Satna;
- (b) "Collector means the Collector of Satna;
- (c) "Mela Officer means any person appointed by the State Government to perform the duties of Mela Officer;
- (d) "Chief Sanitary Officer means any person appointed by the State Government to perform the duties of Chief Sanitary Officer;
- (c) "Mela Season" means the period prescribed by the Collector and notified as the Maihar Sharda Devi Mela Season;
- (i) "Mela Fund" means the fund whereto all receipts accruing to the Mela Committee on account of tolls and fees etc. imposed under Section 4 and the grant paid by the Mandir Management Committee under Section 11 are credited;
- (g) ".Mela Area" means the area notified as such under sub-section (2) of Section 1;
- (h) "Mandir Management Committee" means the Maa Sharda Devi Mandir Managing Committee constituted for Sharda Devi Mandir at Maihar.

3. Mela Committee :-

Notwithstanding anything contained in the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994), the Mandir Management Committee shall function as the Mela Committee during the Mela Season to formulate policy, to manage the affairs of the Mela and to guide and advise the Collector in the performance of his duties under the Act.

4. Power To Impose And Collect Tolls And Fees :-

Subject to general or special orders of the State Government, the Mela Committee may in such manner as may be prescribed, impose and collect within the Mela Area during the Mela Season :

- (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

5. Power To License :-

The Collector may, by order, 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.

6. Allotment Of Sites :-

(1) The Mela Officer may allot sites for any purpose not repugnant to Hindu religion, to any person or class of persons, and may impose such rent for the site as may be fixed by the Mela Committee.

(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) Sweet, meat shops and Restaurants;
- (iv) Officials;
- (v) Market places;
- (vi) Latrine, urinals and dumping ground for waste;
- (vii) Bathing places;
- (viii) Recreations and entertainment;
- (ix) Agricultural, industrial and other exhibitions and demonstrations;
- (x) Post, telegraph and telephone offices;
- (xi) Centres for medical attendance; and
- (xii) Centres for rest and protection :

Provided that before allotment of sites for the items (iii), (v), (vi) and (vii) the Chief Sanitary Officer shall be consulted.

7. Power Of Mela Officer On Outbreak Of Fire :-

In the event of an outbreak of fire, the Mela Officer or any person specially authorised by the State Government in this behalf, may order the demolition of any structure within the Mela Area 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.

8. 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 dumping ground for waste; or
- (c) plies any profession, trade or selling without a licence obtained under the provisions of Section 5 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 this Act; 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 one thousand rupees and where the offence is a continuing or recurring one, with a further fine which may extend to two hundred rupees for every day on which such offence continues to be committed after the date of the first conviction.

9. Power To Remove Unauthorised Construction :-

The Mela Officer may remove unauthorised construction within the Mela Area and the cost of such removal may be recovered from any person making the construction as arrears of land revenue.

10. Recovery Of Rents :-

(1) If any person fails to pay within the time allowed by the Mela Officer, the rent fixed under Section 6 or the cost referred to in Section 9 or any part thereof, the Mela Officer may forward to the Collector a certificate under 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 arrears 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 Mela Officer may order the ejectment from the site allotted to any lessee or licensee who contravenes any rules or terms and conditions of the lease or the licence.

11. Grant :-

The Mandir Management Committee shall pay to the Mela Fund by way of grant every year such sum of money as it may think fit for being utilised for the purpose of this Act.

12. Delegation Of Powers :-

The State Government may, by notification in the Gazette, delegate the powers conferred on it under this Act to any authority subordinate to it.

13. Functions Of Gram Panchayat And Janpad Panchayat Within Mela Area :-

Notwithstanding the provisions of the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994), the State Government may, by notification in the Gazette, empower the Mela Committee to exercise all or any of the powers and to perform all or any of the functions of the Gram Panchayat and Janpad Panchayat having jurisdiction over the whole or any part of the Mela Area, during the Mela Season, so long as and to the extent to which, these powers are so vested in the Mela Committee the Gram Panchayat and Janpad Panchayat shall cease to exercise those powers and to perform those functions in the area so notified :

Provided that the Gram Panchayat having jurisdiction over the Mela Area or any part thereof, shall not at any time, exercise any powers, vested in it under any law for the time being in force, with regard to allotment or management of land comprising the Mela Area.

14. Power To Make Rules :-

The State Government may, by notification, 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 utilised or distributed;
- (iii) sanitation in the Mela Area;
- (iv) providing for the safety of buildings and structures put up in the Mela Area and of articles brought into the Mela Area;
- (v) 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 in which they are to be built and distances between them;

- (vi) providing for the supply of water and such other materials as may be considered necessary for extinguishing fire;
- (vii) restricting the use of fire for cooking or for any other purpose;
- (viii) compulsory isolation and removal of any persons suffering from dangerous infectious disease;
- (ix) disinfection of any house, dwelling, building, source of water supply or any other suspected source of infection;
- (x) conditions subject to which persons can enter or leave the Mela Area; and
- (xi) destruction of any food or other material meant for human consumption which is not fit for consumption.