

Bihar Agricultural Produce Markets (Amendment) Act, 1993

4 of 1993

CONTENTS

1. Short title, extent and commencement
2. Insertion of new section after Section 4 of Bihar Act XVI of 1960
3. Repeal and savings

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PREAMBLE

An Act to amend the Bihar Agricultural Produce Markets Act, 1960.
Be it enacted by the Legislature of the State of Bihar in the forty-fourth year of the Republic of India as follows:--

1. Published in Bihar Gazette (Ex. ord.) dt. 27.4.1993.

1. Short title, extent and commencement :-

(i) This Act may be called the Bihar Agricultural Produce Markets (Amendment) Act, 1993.

(ii) It shall be extended to the whole of the State of Bihar.

(iii) It shall be deemed to have come into force with effect from the 6th of August, 1960.

2. Insertion of new section after Section 4 of Bihar Act XVI of 1960 :-

After Section 4 of the Bihar Agricultural Produce Markets Act, 1960 (Bihar Act XVI of 1960) the following sections shall be inserted and shall always be deemed to have been inserted, namely:--

"4-A. Sections 3 and 4 not to apply to Section 39.-

(1) The provisions of Sections 3 and 4 shall not apply to the exercise of powers by the State Government under Section 39 to amend the schedule by addition of any item of agricultural produce not specified therein.

(2) The State shall not order the deletion of any item in exercise of its power under Section 39 without giving an opportunity for hearing to the affected parties.

"4-B. Validating of Market fee levied and collected.-Notwithstanding any judgment, decree or order of any Court to the contrary any market fee levied and collected shall be deemed to be valid as if such levy and collection was made under the provisions of this Act as amended by this Act and notification no. 730, dated 2nd May, 1977 shall be deemed never to have been issued and no suit or other legal proceedings shall be maintained or continued in any court for the refund of the fee collected under the provisions of this Act and no Court shall entertain any proceedings challenging the fee recovered or the continued levy and recovery of the fee merely on the ground that liability has ceased on the issuing of the notification no. 730, dated 2nd May, 1977."

3. Repeal and savings :-

(i) The Bihar Agricultural Produce Markets (Amendment) Ordinance, 1993 (Bihar Ordinance no. 3 of 1993) is hereby repealed.

(ii) Notwithstanding such repeal anything done or any action taken in exercise of any powers conferred by or under the said Ordinance shall be deemed to have been done or taken in exercise of powers conferred by or under this Act as if this Act were in force on the day on which such thing was done or action taken.