

Bihar Agriculture Produce Market (Repealing) Act, 2006

23 of 2006

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PREAMBLE

An Act to repeal The Bihar Agriculture Produce Market Act, 1960 Be it enacted by this Legislature of the State of Bihar in the fifty seventh year of the Republic of India as follows:-

1. Published in the Bihar Gazette (Ext. Ord.) dated 1.9.2006.

1. Short Title, extent and commencement :-

(i) This Act shall be called Bihar Agriculture Produce Market (Repeal) Act, 2006.

(ii) It shall extend to the whole of State of Bihar,

(iii) It shall come into force with immediate effect.

2. Definitions :-

In this Act, unless context otherwise requires.

(i) "Administrator" means, any officer appointed as such, who shall not be an officer below the rank and status of "District Magistrate".

(ii) "Act" means, Bihar Agriculture Produce Market Act, 1960.

(iii) "Government" means, Government of Bihar.

(iv) "Special Officer" means, any officer appointed as such who shall not be an officer below the rank and status of "Sub-Divisional Magistrate".

(v) "Board" means, Bihar State Agriculture Produce Marketing Board constituted under Bihar Agriculture Produce Market Act, 1960.

(vi) "Market Committee" or "Bazar Samiti" means, committee or samiti constituted under Bihar Agriculture Produce Market Act, 1960.

3. Repeal and savings :-

(i) Bihar Agriculture Produce Market Act, 1960 and Bihar Agriculture Produce Market Rules, 1975, framed thereunder, as the Act and Rules exist on the date of coming into force of this Act shall stand repealed with effect from the date this Act comes into force.

(ii) Notwithstanding such repeal, any action taken or decision rendered shall be deemed to have been valid and shall not be questioned on the ground of repeal of the Act:

Provided further that any proceeding including penal, assessment or for levy of market fee initiated under the Act shall continue as if the Act still exists and such proceeding shall continue till it reaches its finality :

Provided further that proceeding referred to above shall lie before the Special Officer at the initial stage and before the Administrator at appellate stage, wherever appeal is provided under the Act:

Provided further that Special Officer and Administrator shall be deemed competent authority for the purpose of the Act as if they were the authority designated to hear and conclude such proceeding.

Explanation: A proceedings shall be deemed to be initiated where a decision has been taken to initiate a proceeding or where Special Officer or Administrator forms an opinion on examination of records, that a proceeding for realization of fee under the Act ought to have been initiated, which though, has not been initiated till repeal of the Act.

(iii) All disciplinary proceedings against employees of the Board or against personnel serving on deputation, which has been initiated on or before repeal of the Act shall continue and shall be considered by the disciplinary authority of the Department of Government of Bihar, or Authority, Undertaking, Corporation or Company or such organization or place where such employees are serving after repeal of the Act and for the purpose of proceeding it shall be considered as if such personnel are within control, supervision and jurisdiction of the disciplinary authority where the personnel are serving after repeal of the Act and it shall not be open to question jurisdiction of disciplinary authority

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Explanation: A proceeding shall be deemed to have been initiated if charges have been framed on or before repeal of the Act and further that having regard to material and evidence in the possession of the Board or the Committee Special Officer or Administrator comes to the conclusion that a proceeding ought to be initiated, such proceeding shall be deemed to have been initiated as if the Act has not been repealed:

Provided further that if charges have not been framed on or before repeal of the Act it shall not be framed on expiry of 365 days from date of repeal excluding date of repeal.

4. Assets and liabilities of the Board to vest in the State Government :-

(i) On and from the date of coming into force of this Act, all assets, including moveable and immoveable owned, possessed or otherwise claimed to belong to the Board or the committee or samiti shall vest in the State Government. All liabilities including statutory and non-statutory, secured or unsecured shall be the liability of the State Government.

(ii) Immediately after coming into force of this Act, Administrator and Special Officers shall take possession of all the assets immovable including land, building and such other assets which is owned or possessed by the Board or the committee or over which Board or Committee has a legal claim.

Administrator or the Special Officer as the case may be shall take custody of all moveable including liquid assets in Banks, Post Office, or wherever it is kept, cash in hand etc. They shall take possession of other movable assets including vehicles, equipments, plants, furnitures etc.

(iii) Immovable and moveable assets in possession of Administrator or Special Officer as the case may be shall remain in their possession for and on behalf of State Government.

(iv) Administrator shall be competent to issue such direction as is deemed necessary and expedient to secure safe possession of immovable and movable assets and such direction shall be binding on the special officer and all others.

(v) The State Government may issue such direction, order,

instructions as is deemed necessary and expedient to maintain security and safety of assets or to prevent any kind of injury, damage or dissipation of assets and such direction, order or instruction shall be binding on all concerned including Administrator and Special Officer.

(vi) All immovable assets of the Board or the Committee shall be utilized only for agriculture and farmer relating activities including establishment of agroprocessing industries, horticulture, agro-service, agricultural marketing, storage of agricultural produce.

5. Power of the State Government :-

The State Government shall have power, authority and jurisdiction to issue such direction, order or instructions as is deemed expedient, to secure achieving object of this Act.

6. Absorption of officers and employees of Bihar Agriculture Marketing Board/Market Committee/Bazar Samiti :-

(i) On and from the date of repeal of the Act, all officers and employees of the Board, shall remain in employment, as if the Act has not been repealed and they shall continue to be paid same salary and allowances as was payable on the date of repeal of the Act till such time State Government has taken such final decision as is provided hereafter.

(ii) The State Government shall constitute a committee of Secretaries consisting of three Secretaries who shall prepare detailed scheme of absorption, retirement, compulsory retirement or voluntary retirement, other service conditions of officers and employees of the Board and the Committee. Scheme prepared by group of Secretaries shall be placed before the State Government within two months from the date of enforcement of the present Act. The State Government shall thereafter approve the scheme :

Provided that it shall be open to the State Government to modify, amend or suggest modification or amendment and the scheme thereafter shall be made operational in such form and intent as

finally approved by the State Government. Scheme approved by the State Government shall be considered as statutory scheme framed under this Act.

(iii) After the scheme approved by the State Government is enforced it shall be fully implemented in its form and intent within three months from the date of its enforcement.

(iv) Group of Secretaries constituted under Sub Section (ii) above shall be competent to decide utility and deployment of officers and employees of the Board or the Committee during transition period and it shall not be open to any officer or employee to question decision of group of Secretaries.

(v) Scheme framed under this Act shall have effect, notwithstanding any other Act, Ordinance, Rule, regulation, direction, order or instruction and condition of service of officers and employees of the Board or the Committee, shall be governed and regulated under the scheme to the extent provision has been made in the scheme :

Provided further that it shall be competent for the State Government to amend, modify, alter or substitute the scheme so framed for removal of difficulties in implementation of the scheme.