

Bihar Industrial Area Development Authority Rules, 1981

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Rule

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Bihar Industrial Area Development Authority Rules, 1981Published vide Notifications No. 1962 dated 2.2.1982Government of Bihar Directorate of Industries, Notifications No. 1962 dated 2.2.1982. - In exercise of the powers conferred by Section 14 of the Bihar Industrial Area Development Authority Act, 1974 (Bihar Act 16 of 1974) the Government of Bihar is pleased to make the following Rules.

1. Short Titles.

- These Rules may be called the Bihar Industrial Area Development Authority Rules, 1981.

2. Definitions.

- In these Rules, unless there is anything repugnant in the subject or context.(a)'Act' means the Bihar Industrial Area Development Authority Act, 1974 (Bihar Act 16 of 1974).(b)'Section' means a Section of the Act.(c)'Form' means a Form in the schedule of these Rules.(d)Other words and expressions shall have the same meaning as are assigned to them in the Act.

3.

Entrustment of duties of Managing Directors of the Authority by the State Government/Authority under Section 3(4) (d) of the Act.The following duties are being entrusted to the Managing Directors by the State Government Authority:-(i)Allotment and cancellation of Plots.(ii)Purchase of plant & Machinery not exceeding Rs. one Lakhs.(iii)Sanction expenditure on fixed assets not exceeding Rs.

Fifty Thousands.(iv) Accord administrative approval of scheme not exceeding rupees one lakhs.

4.

Objection against declaration of Development area under section 4(1) of the Act.(1)Not less than two months before making in declaration under subsection (1) of Section 4 of the Act the State Government shall cause to be published in the Official Gazette and in at least two English and two Hindi dailies published in Bihar, a Notification stating that it is proposed to make such a declaration and specifying there in the boundaries of the land or lands in respect of which the declaration is proposed to be made and copies of such notification or the substance thereof shall be published by the District Magistrate concerned and the Authority concerned in such manner as they think fit at their office and at such other places in the jurisdiction including the locality in which the land or lands are situated as are in their opinion suitable for giving adequate notice to persons interested or likely to be interested in the proposed declaration.(2)Any person interested in any land included in the said boundaries may at any time before the expiry of thirty days from the last date of publication of the notification under sub-rule (1) of this Rule object to the declaration or to the inclusion of his land or any part thereof within the said boundaries.(3)Every objection under sub-rule (2) of this Rule shall be made to the District Magistrate in writing and the District Magistrates shall give to every person so objecting an opportunity of being heard either in person or through his counsel and after doing such additional enquiry which he thinks necessary, forward to the State Government a report setting forth his recommendations on the objections within thirty days of the filing of the objections.(4)The State Government, after considering the report of the District Magistrate under sub-rule (3) of the Rule and obtaining the views of the authority may either abandon the proposal to make a declaration under sub-section (1) of Section 4 of the Act or make declaration in respect of either the whole or part or parts of the land included within the boundaries specified in the notification under sub-rule (1) of this Rule.(5)If before the expiry of the time prescribed by sub-rule (2) of this Rule no objection has been made, the District Magistrate shall forthwith submit a report to the State Government to that effect and the State Government may thereupon proceed at once to make a declaration under sub-section (1) of Section 4 of the Act.

5.

Approval of the Authority for construction, modification or demolition of any structure or building in the Development Area Under Section 4(2) of the Act.(i)Every person desiring to obtain approval of the Authority referred in sub-section (2) of Section-4 of the Act shall make an application in writing to the Authority in Form appended to these Rules along with ground plan, elevation and location and specification or the work to be done or demolition to be made prepared by an Engineer holding a degree in Engineering or possession of an equivalent qualification.(ii)On receipt of such application, the Authority, after making such enquiry as it considers necessary, shall by an order in writing, either grant approval subject to such conditions and modification, if any, as may be specified in the order or refuse to grant such approval.(iii)An appeal case lie before the State Government against the order of the Authority within 80 days from the date of its orders and in such appeal the decision of the State Government shall be final.

6.

Power of the Authority to cancel land allotment deed, Levy fee, Impose Penal Interest and forfeit instalments under Section 6(2) of the Act.(i)If the entrepreneurs do not make payment of the instalment of the price of the land within the fixed time or do not make payment of the instalments the Authority or Managing Director of the Authority shall have power to impose penal interest in the shape of fine.(ii)If the entrepreneurs do not establish its unit or take effective steps for establishment of the unit within the time fixed, the Authority or Managing Director will not only cancel the allotted plots/land but also forfeit the instalments paid by the units.

7.

Submission of Annual Budget of the Authority under Section-8 of the Act.(i)The Annual Budget of the Authority for the ensuing financial year shall be prepared and submitted in triplicate to the State Government by the 15th day of October every year together with the tentative programme or work, provision of services and other activities.(ii)The estimates of receipt and expenditures of the Authority shall be based as far possible on realistic assessments of the receipts of the Authority including Grants, Loans, Advances etc. under clause (a) of sub-section (1) of Section 7 of the Act as indicated by the State Government to be paid to the authority in the ensuing year and expenditures likely to be incurred for the discharge of the functions of the Authority including those assigned to it by the State Government under clauses (a) and (d) of sub-section (4) of Section 8 and subsection (3) of Section 6 of the Act.(iii)Any expenditure, which is not provided for in the budget or which is against any direction of the Bihar Government issued under sub-section(1) of Section 8 of the Act, will not be incurred except with the prior approval of the State Government.(iv)The budget submitted by the Authority may be modified by the State Government by giving necessary directions under the provisions of Section 8(1) of the Act.(v)The Authority may sanction reappropriation of funds from one major head of account to another or within any major head provided that no reappropriation of funds will be made for expenditure on new scheme not included in the budget without the approval of the State Government.

8.

Establishment of the Authority under Section 5 of the Act.Creation of an appointment and promotion to posts carrying a maximum monthly salary of Rs. 840/- and above shall not be made by the authority except with the prior approval of the State Government.

9.

Submission of Reports and returns by the Authority to the State Government U/S 14 (d) of the Act.(i)The Authority shall submit to the State Government by the end of June, 30 every year an annual report in the form to be prescribed by the State Government relating to discharge of its duties, powers and responsibilities during statement also of achievement of physical targets and difficulties experienced.(ii)The State Government may, from time to time, call any report on specific

items of work of the authority and the Authority shall submit such report within the stipulated time.

10.

Directive by the State Government under Section 14(d) of the Act. The State Government may, from time to time, issue directions to the Authority laying down principles for fulfilment of aim and objects of the Act particularly regarding:-(a) Nature of development work to be undertaken by the Authority. (b) Priorities of different development works to be undertaken. (c) Nature of services to be provided to Industrial units in the Area and fees chargeable therefor. (d) Nature and extent of municipal and other functions to be performed by the Authority as authorised by the State Govt, from time to time. (e) Any other policy matter such as fixation of price of land, allotment of land, realisation of instalments of land etc.

11.

Constitution of Screening Committee for Advising Industrial Authority. The Authority may appoint committees to advise it in implementation of its programmes in the matter of planning and formation of its schemes and to help in implementation of scheme.

12.

Removal of encroachments and unauthorised structures and Demolition of building under Section 14(a) (b) (c) of the Acts. The Authority of Managing Director having been vested with powers under the provisions of the Bihar Land Encroachment Act or any other law for the time being in force with regards to removal of encroachment on the Authority's land and demolition of unauthorised buildings and structures will be guided by the provisions of the concerned enactments and the rules framed thereunder for the disposal of such cases.