

Bihar Agricultural and Rural Area Development Agency Act, 1978

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Bihar Agricultural and Rural Area Development Agency Act, 1978

Bihar Act 3 of 1979

1. Short title, extent and commencement. - (1) This Act may be called the Bihar Agricultural and Rural Area Development Agency Act, 1978.

(2) It extends to the whole of the State of Bihar.

(3) It shall come into force on such date and in such areas, as the State Government may, by notification in the Official Gazette, appoint and it may appoint different dates or different areas and for different provisions.

2. Definitions. - In this Act, unless there is anything repugnant in the subject or context,-

(i) "*Command areas of Irrigation Project*" means the area notified as such by the State Government.

(ii) "*Agency*" means the Agency notified under section 3.

(iii) "*Board*" means the Board constituted under section 4.

(iv) "*Adhyaksha of Zila Parishad*" means the Adhyaksha as defined in Chapter I of the Bihar Panchayat Samitis and Zila Parishads Act, 1961* (Bihar Act VI of 1962).

(v) "*Bank*" means-

(a) a banking company as defined in the Banking Regulation Act, 1949;

(b) the State Bank of India constituted under the State Bank of India Act, 1956;

(c) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959; and

(d) a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970.

(vi) "*Financial Institutions*" means financial institution engaged in financing agricultural, animal husbandry, agro-industries and allied activities.

(vii) "*Financial Year*" means the year commencing on the 1st day of April.

(viii) "*Prescribed*" means prescribed by rules made under section 31.

(ix) "*Rules*" means rules made under section 38 by the State Government.

(x) "*Regulations*" means regulations made by the Board under section 39.

3. Constitution of the Agency. - (1) The State Government may at any time after the commencement of this Act constitute an Agency or Agencies for the integrated rural and agricultural development of the command area of any irrigation project and/or such other area as the State Government may, by notification in the Official Gazette, specify :

Provided that the State Government may, by notification in the Official Gazette include at any subsequent stage, any area within the Agency so declared; or exclude any area from any such Agency or transfer any area from one Agency to another.

(2) The name and composition of any such Agency constituted under sub-section (1) shall be specified in the notification.

(3) The Agency shall be a body corporate having perpetual succession and a common seal, with powers, subject to the provision of this Act to acquire, hold, dispose of property and to contract, and it may sue or be sued by its own name and title.

(4) The headquarters of the Agency shall be situated at such place in the area of Agency as the Agency may by notification in the Official Gazette, specify.

4. The Board. - (1) For every Agency set up under section 3 of this Act, the State Government shall by notification published in the Official Gazette, constitute a Board consisting of the following:-

- (a) Chairman;
- (b) Adhyaksha of each Zila Parishad falling within the area of operation of the Agency;
- (c) A representative of the Chotanagpur and Santhal Parganas Autonomous Development Authority where the Agency lies in its area of operation;
- (d) Two farmers from within the area of operation of the Agency and Four members of Legislature-three from Legislative Assembly and one from Legislative Council;
- (e) The Chief Engineer, Irrigation or the Chief Engineer-in-charge of the project;
- (f) Not more than three officers of the State Government excluding those officers nominated under other sub-sections of this section;
- (g) One representative of the State Water Resources Development Board;
- (h) Chairman, *Bihar State Electricity Board or his nominee or;
- (i) One representative of the Co-operative Institutions;
- (j) Two representatives of the Commercial Banks and other financial institutions operating in the area;
- (k) A representative of the †Rajendra Agricultural University;
- (l) The Financial Adviser and Chief Accounts officer of Agency.
- (m) Managing Director of the Agency;

Provided that the total number of members of the Board shall not at any time exceed twenty five.

(2) The Chairman and the Managing Director of the Board shall be appointed by the State Government who shall hold the post at the pleasure of the Government and the State Government shall prescribe the terms and conditions.

(3) Members other than *ex-officio* members of the Board shall hold office at the pleasure of the State Government.

(4) The executive authority of the Agency shall vest in the Board.

(5) The Board shall meet at least once in every three months and the meetings shall be conducted in the manner prescribed by the rules.

*In view of applicability of this Act to Jharkhand [u/s 84, Bihar Reorganisation Act, 2000] this may be read as "Jharkhand".

†Vide ibid this may be read as "Birsā".

5. Executive Committee. - (1) The Board shall constitute an Executive Committee consisting of two representatives each from amongst those specified in clauses (b), (d) and (f) of sub-section (1) of

section 4 and one representative each from amongst those specified in clauses (c), (e) and (f) of the same sub-section. The Chairman of the Board shall be the Chairman of the Executive Committee.

(2) In the absence of Chairman, members present shall elect a member from among themselves who shall preside over that meeting of the Board or Executive Committee.

(3) The terms of office of members of the Executive Committee other than *ex-officio* members shall be the same as that of the members of the Board.

(4) The Executive Committee shall discharge such duties and exercise such powers as may be delegated to it by the Board, and it may sub-delegate all or any powers vested in it to the Managing Director or other officers as it deems fit;

Provided that copies of all orders sub-delegating powers shall be placed before the Board soon after the orders are passed and the Board may approve, disapprove or modify any such order and thereafter such order shall remain in force in its original or modified form or cease to be in force, as the case may be.

6. Constitution of Committee. - The Board or Executive Committee may constitute standing or *ad hoc* committee consisting wholly of members of such Board or wholly other persons, or partly of members of such Board and partly of other persons, and for any purpose or purposes consistent with the provisions of the Act as it may think fit.

7. Chairman and Managing Director. - (1) Powers, functions and duties of Chairman. -

The Chairman shall have following powers, functions and duties:-

- (a) to preside over the Board and Executive Committee;
- (b) general supervision and control of all works of the Agency;
- (c) to keep general control over all the officials of the Agency;
- (d) to exercise powers, functions and duties under the provisions of the Act, Rules and Regulations.

(2) The Managing Director shall be full time officer and the Chief Executive officer of the Agency who shall function under the general supervision and control of the Chairman. He shall exercise such power as may be prescribed by the rules or delegated to him by the Board or Executive Committee and he may sub-delegate all or any powers vested in him to such officers, as he deems fit:

Provided that copies of all orders sub-delegating powers shall be placed before the Executive Committee soon after the orders are passed and the Executive Committee may approve, disapprove or modify any such order and thereafter such order shall remain in force in its original or modified form or cease to be in force as the case may be.

8. Employment of other Officers and Staff. - The Board may appoint such officers and staff on such emoluments and on such conditions of service as may be laid down in the regulations.

9. Functions of the Agency. - The functions of the Agency shall be-

- (i) the formulation of a plan or programme and schemes for the integrated rural and agricultural development of the territory within its area of operation;
- (ii) the implementation of such plan or programme and schemes as may be necessary for the development of the area;
- (iii) the promotion and operation of schemes for irrigation, drainage, flood control and water-supply, rural electrification, land leveling and land development and development of agriculture, animal-husbandry, fisheries and forestry within its area of operation:

Provided that in respect of major irrigation projects, the State Government may entrust the maintenance and operation of the head works and main canal to the State Irrigation River Valley Project Department;

- (iv) undertaking such other activity from time to time as may be deemed necessary, conducive, incidental or ancillary for the attainment of the aims and objects of this.

10. Powers of the Agency. - The Agency shall have power to-

- (a) take measures for promoting the utilization of available irrigation facilities;
- (b) take measure for facilitating or promoting rural electrification schemes;
- (c) take measures for land levelling, and land development;
- (d) take measure for soil conservation and water management;
- (e) organise agricultural extension service and field research experimental stations and farms and farmers service societies, etc;
- (f) training farmers, artisans etc.;
- (g) take measure, including special measures, for promoting development of small farmers, marginal farmers, agricultural labourers and village artisans;
- (h) take measures for facilitating or promoting agro service centers;
- (i) take measures for the establishment of markets, constructions of stores and godowns.
- (j) acquire and hold such moveable and immoveable properties as it may deem necessary and subject to such limitations as may be prescribed in this behalf, lease sell or otherwise transfer any such property;
- (k) advance loans for the purposes of this Act and recover the same with interest thereon as may be fixed by the Board;
- (l) levy such rates, charges, fees and dues as are considered necessary to recover the cost of providing various services as may be provided by rules;
- (m) borrow money in the open market by issuing bond or debentures or otherwise for carrying out purposes of this Act subject to such conditions as may be prescribed in this behalf;
- (n) construct or cause to be constructed such dams, barrages, reservoirs, irrigation and drainage channels and such other structures as may be required;
- (o) prevent pollution of any water under its control and take all measures to prevent discharges into such water of effluents which are harmful to water supply, irrigation, public health or fish life;
- (p) stock its reservoirs or watercourses with fish or regulate or prohibit taking out fish from water under its control;
- (q) undertake resettlement of the population displaced by any dams, reservoirs, bridges, roads or factories constructed by it;
- (r) aid in the establishment of co-operative societies including farmers services societies and such other organisations for better utilization of facilities made available by the Agency;
- (s) construct or cause to be constructed roads or other facilities of communication in the area of its operation;
- (t) turn, divert, or discontinue public user or permanently close any road or any part thereof, other than National Highway;
- (u) set up such agro-industries as may be considered necessary for promoting integrated rural and agricultural development of the area;

(v) promote and take marketing and processing activities;

(w) undertake such other activity as may be deemed necessary conducive, incidental or ancillary for the attainment of the aims and objects of this Act.

11. Power to prevent work adversely affecting Plan. - The Agency may by notice, prevent any person from doing such work as it may consider adversely affect the execution of its plan.

12. Provision of the Plan. - The plan for integrated rural and agricultural development may provide for all or any of the following matters, namely:-

- (i) development and utilization of irrigation facilities from various sources including construction of field channels;
- (ii) provision of drainage facilities including field drainage channels;
- (iii) rural electrification;
- (iv) land levelling and land development;
- (v) soil conservation and water management;
- (vi) preparation of cropping pattern and farm plans;
- (vii) establishment of field research and experimental stations including soil testing facilities;
- (viii) training of farmers, artisans, etc.;
- (ix) measures, including special measures, if any, for promotion and development of small farmers, marginal farmers, agricultural labourers and village artisans;
- (x) provision of credit supply for farm activities and farm development;
- (xi) construction of village roads and arrangements for transportation;
- (xii) promotion of setting up of agro-service centres, farmers service societies or other agencies in supply of material inputs such as fertilisers, pesticides, farm machinery, technical know-how, animal husbandry and veterinary services;
- (xiii) establishment of markets, construction of stores and godown and agriculture processing units;
- (xiv) promotion or setting up of rural growth centres;
- (xv) any other matter not inconsistent with the provisions of this Act considered necessary for promoting full development of the area.

The plan may be prepared at a time or in parts and may be revised from time to time. The Agency may prepare special schemes for construction of irrigation channels, drainage, land levelling and land shaping and development of construction of any other infrastructure.

13. Stage and manner of preparation of the Plan. - The plan shall be prepared in such manner as may be laid down in the regulations:

Provided that the procedure laid down in sections 14 to 20 shall be followed for special schemes affecting the rights and interests of any individual

14. Special schemes for construction of irrigation channels, drainage channels and land levelling, land shaping and development and construction of any other infrastructures. - (1) The Agency may get special schemes prepared for construction of irrigation channels, drainage, land levelling, land shaping and development of construction of any basic structures prepared for blocks of land within its area.

- (2) The special scheme shall contain-
- (a) the objects of the schemes;
 - (b) the boundaries and approximate area of the land to be included in the schemes;
 - (c) the persons including the Government who will be affected by the scheme;
 - (d) the kind of work to be carried out under the scheme and the cost thereof;
 - (e) the agency or agencies through which the work shall be carried out;
 - (f) the total amount to be recovered from owners;
 - (g) the general rate at which the amount is to be recovered from owners;
 - (h) the period within which the amount is to be recovered;
 - (i) the works which shall be maintained and repaired individually or jointly and the name of every such person liable to maintain and repair the works;
 - (j) and such other particulars as may be prescribed.
- (3) The draft schemes shall be placed before the Board which may approve it with or without modifications.

15. Publication of draft special scheme and hearing of objections. - (1) Copies of draft scheme prepared under section 14 shall be published by an officer authorized by the Agency in the office of the Agency, and in the offices of Gram Panchayats, Panchayat Samitis, Blocks and Sub-divisional Offices within whose jurisdiction the scheme is to be executed and the lands proposed to be covered by it are situated.

(2) A general notice in the prescribed form shall be published in the official gazette and in such newspapers, if any, circulating in the locality as the officer concerned may direct-

- (a) intimating that the draft scheme has been prepared, that copies thereof have been kept and may be inspected by the public free of charge at the places aforesaid and the copies may be obtained on payment of the cost thereof, from the office of the concerned officer, and also from any other office specified in the notice; and
- (b) requiring any person affected by the draft scheme who wishes to object to it or to any part thereof to submit his objections in writing to the officer concerned or to appear before him or to appear through his agent with his objections within thirty days of the publication of the notice.

(3) A special notice shall be sent to the Panchayat Samiti concerned so that it may submit such suggestions or objections as it may consider necessary within thirty days of the notice.

(4) The general notice shall also be published by beat of drums in the village or villages to which the draft schemes relate.

16. Hearing of objections. - The officer authorized by the Board shall enquire into the objections received or recorded by him and submit them to the Managing Director together with his report thereon, if any, or modification of the draft special scheme.

17. Sanction of draft special scheme. - (1) After considering the objection and the report and any further report which the Board may call for, the Board may approve the draft scheme with or without modifications or may reject it and direct that in lieu thereof a fresh draft scheme be prepared and submitted for its approval.

(2) The State Government may, for the purpose of carrying out the objects of the schemes, make regulation requiring any person or persons or the public generally to take certain order or refrain from doing certain acts in respect of any matter supplementary and incidental to the scheme.

18. Subsequent changes. - Notwithstanding anything contained in section 17-

- (i) the Managing Director or any other officer authorized by the Board may make such changes in the special plan as are at any stage necessitated by the changes that may occur in the land due to any unforeseen circumstances provided that no such change shall be made to the prejudice of any owner without giving him any opportunity of being heard:

Provided further that such changes shall be placed before the Board at its next meeting for approval.

- (ii) The Managing Director, or the officer authorized by the Board, if satisfied that a clerical error exists in the special plan, correct the same, either on his own motion or on the application of an interested person:

Provided that such changes shall be placed before the Board at its next meeting for approval.

19. Implementation of the programme. - The Agency may set up any local offices for the preparation of the plan, a part of the plan special schemes or Individual schemes and for their implementations or get them implemented through a co-operative society or a society registered under the Societies Registration Act, 1860, a Department of Government, the Zila Parishad, Panchayat Samity or Panchayat, a limited company, firm or individual contractor or departmentally by its own staff;

Provided that for the implementation of special schemes the procedure laid down in section 21 shall be followed before entrusting the work to any one other than the interested persons.

20. Directions to execute work concerning special schemes. - (1) The Managing Director or any officer authorized by the Board may by notice, require any owner to carry out at his own cost any work which under the special scheme is to be carried out by the owner at his own cost, in the manner and within the period mentioned in the notice.

(2) Where an owner indicates in writing that he is unable to carry out the work within the time aforesaid or if the work is not carried out to the satisfaction of the Agency by the date fixed in that behalf or within such further time as any be allowed, the Agency shall get the work carried out and subject to such conditions as may be prescribed in this behalf, cover the expenses incurred from the owner as arrears of land revenue.

(3) Notwithstanding anything contained in sub-sections (1) and (2) where the State Government is of the view that it will be in the interest of general public to have any work carried out by the Agency departmentally, it may direct the Agency to carry out the work and the cost of such work subject to such provision as may be made in the rules shall be recovered from the owner or from the owners in such proportion as the Agency may fix after taking into consideration the benefits or likely benefits to the land of each owner from that work and other relevant matter.

(4) If the costs are not paid by the owner within the prescribed time such owner shall also be liable to pay such interest therein as may be prescribed.

21. Preparation of statements. - (1) The Agency shall, on completion of development work within any specified block or *chak* or Board, prepare a statement for such work giving the following particulars:-

- (i) the name of the beneficiary:
- (ii) the work done;

- (iii) the cost thereof;
- (iv) the total amount to be recovered from the beneficiaries;
- (iv) the general rate at which such amount is to be recovered from the beneficiaries;
- (vi) the period within which the amount is to be recovered;
- (vii) the names of persons or agencies, including Government who shall be responsible for maintaining and repairing the work whether individually or jointly;
- (viii) a map showing the work carried out in the village, and
- (ix) such other matters as may be prescribed.

(2) When a statement is prepared under this section any rights and liabilities shown therein shall be entered in record to be prepared for the purpose and kept in such manner as may be prescribed in the office of the Agency, and the office of the Panchayat Samiti as a permanent record and shall be open to public inspection and copies whereof shall be provided on payment of prescribed fee.

22. Obligation of persons to maintain and repair works. - (1) Every person or agency shown in the statement prepared under section 14 shall maintain or repair any work on his own land or any other land in respect of which he is shown is liable in the said statement to the satisfaction of the Agency.

(2) If any person or agency fails to maintain or repair the work within the time fixed the agency shall get the work maintained or repaired by its own agency or by the panchayat samiti or through any other agency and costs thereof shall be recovered from the persons or agency liable to maintain or repair as public dues under the Public Demands Recovery Act, 1914.

23. Penalty. - Any person who without power or authority damages or obstructs any work under a plan or contravenes any of the provisions of this Act, or any rule or orders made thereunder shall, on conviction, be liable to imprisonment for a term which may extend to one month or to a fine which may extend to five hundred rupees or to both and where the offence is a continuing one to further fine which shall not be less than rupees twenty-five for every day during which the offence continues after the date of the first conviction.

24. Fund of the Agency. - (1) The Agency shall have its own fund and all receipts of the Agency shall be carried thereto and all payments shall be made by the Agency therefrom.

(2) The Agency may accept grants, subventions, donations and gift from the Central or the State Government or a local authority, or any individual or body, whether incorporated or not, for all or any of the purpose of this Act:

Provided always that the Agency shall not divert any grants or subventions received from the Central/State Government or local Authorities for expenditure on purposes other than for which these grants or subventions were made

(3) All money belonging to the fund may be deposited either in a Personal Ledger Account in a Government of Bihar Treasury or in a nationalized or Co-operative Bank or invested in such a manner as may be decided by the Agency.

25. Power of Agency to spend. - The Agency shall have the power to spend such sums as may be necessary for performing the functions and discharging the duties imposed on it under this Act, subject to the budget provision and/or any other directions, issued by the State Government in this behalf.

26. Recovery of the amounts due to the Agency. - The principal amount of loan and interest due from any person to whom the Agency has advanced loan for purposes of this Act and the amount due

from any person as his share of contribution for development work in any area under section 14 shall be recoverable as public demand under the Public Demand Recovery Act, 1914 (Bihar and Orissa Act IV of 1914).

27. Budget. - The Agency shall prepare, in such form and as such time each year as may be prescribed, a budget in respect of the ensuing financial year, and copies thereof shall be forwarded to the State Government for their consideration and approval.

28. Annual Reports. - The Agency shall prepare, in such form and at such time each year as may be prescribed, an annual report giving a true and full account of its activities during the previous financial year, and a copy thereof shall be sent to the State Government and the State Government shall cause to be placed copies of such annual reports on the table of each House of the Legislature.

29. Accounts and Audits. - (1) The Agency shall cause to be maintained such books of account and other books as may be necessary for maintaining the accounts and in such form and manner as may be prescribed.

(2) The Accounts of Agency shall be audited in such manner, as may, in consultation with the Comptroller and Auditor-General of India or his representative, the Accountant General, Bihar be prescribed.

30. Disposal of surplus. - Any surplus arrived at after providing for interest on capital depreciation on buildings, equipments and other assets, cost of development, cost of administration and other expenses, shall be utilized for the liquidation of loans and such other purposes as may be considered necessary for carrying out the provisions of this Act.

31. Filling up vacancies. - If for any reason, there is a vacancy in the Board or Executive Committee, the State Government shall fill such vacancy by appointing member of that category.

32. Action taken not to be illegal if composition of Agency or Executive Committee incomplete. - No act or proceeding of the Board or their Executive Committee shall be deemed to be invalid merely because of any vacancy in or any defect in the constitution of the Board or the Executive Committee.

33. Direction by the State Government. - For carrying out the purposes of this Act, the State Government may from time to time give to the Agency such general or special directions on matters of policy as it thinks fit and the Agency shall comply with such directions.

34. Compulsory Acquisition of land for the Agency. - Any land required by the Agency shall be acquired for the Agency under the provisions of the land Acquisition Act, 1894 (Act 1 of 1894) as amended in its application to the State.

35. Members, Officers and Servants of the Agency to be public servants. - All members, officers and servants of the Agency whether representing or appointed by the Agency or the State Government shall be deemed, when acting or purporting to act in pursuance of the provisions of this Act to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Act XIV of 1860).

36. Power of Entry. - Any officers or servants of the Agency generally or specially authorized may, at all reasonable times enter upon any land or premises and do such things as may be reasonably necessary for the purposes of lawfully carrying out any work of the Agency or for making any survey examination or investigation preliminary or incidental to the exercise of powers or the performance of functions by the Agency under this Act.

37. Protection for action taken under this Act. - (1) No suit, prosecution or legal proceeding shall lie against any person in the employment of the Agency for anything which is done or purported to be done in good faith under this Act.

(2) No suit or other legal proceeding shall lie against the Agency for any damage caused or likely to be caused by anything done or purported to be done in good faith under this Act.

38. Power to make rule. - (1) The State Government may, by notification in the Official Gazette make rules not inconsistent with this Act for carrying out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for the following matters, namely:-

- (i) the honoraria and allowances to be paid to the members of the Board or the Executive Committee;
- (ii) the manner in which meetings of the Board and the Executive Committee shall be held;
- (iii) the forms of the budget, the annual report and the annual financial statement shall be made available to the State Government;
- (iv) the procedure and conditions for the grant of loans and recovery of the dues of the Agency
- (v) the duties and power of the Managing Director.

(3) Every rule made under the section shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

39. Power to make regulations. - (1) The Board may, with the previous approval of the State Government make regulations not inconsistent with the provisions of this Act or the rules made thereunder, for carrying out its functions under this Act.

(2) In particular, and without prejudice to the generally of the foregoing power, such regulations may provide for all or any of the following matters, namely:-

- (a) procedure for conduct of business at the meetings of the Board and the Executive Committee;
- (b) functions, powers and duties of officers and servants of the Agency;
- (c) appointments, promotions and conditions of services of officers and servants of the Agency;
- (d) manner in which charges, rates, dues, etc. shall be fixed and recovered;
- (e) punishments for breach of any regulations;
- (f) manner of preparation and publication of plans, programmes, etc.

(3) Such regulations shall be published in the Official Gazette and the regulations shall have effect from the date of such publication.

(4) The provision of sub-section (3) of section 38 shall apply to all such regulations made by the Board.

40. Relationship of the agency with Panchayat Institution. - (1) Where a plan or scheme sanctioned under the provisions of this Act covers the jurisdiction of more than one Zila Parishad, the powers

exercisable and functions performable by the Panchayat Samiti or Zila Parishad under the *[Bihar Panchayat Samitis and Zila Parishads Act or any other law in respect of execution of such plan of scheme shall be exercised and performed by the Agency notwithstanding anything contained in the * [Bihar Panchayat Samitis and Zila Parishads Act, 1961 (Bihar Act 6 of 1962) or any other law.

(2) If the State Government considers it necessary for the purpose of implementation of any plan or scheme sanctioned under the provisions of this Act, to transfer to the Agency any power exercisable by a Panchayat Samiti or Zila Parishad under the provisions of the *[Bihar Panchayat Samitis and Zila Parishads Act, it may issue a notification providing for such transfer and subject to such control, restrictions, conditions and reservations, and for such period as may be specified thereon:

Provided that no notification transferring any functions exercisable by the Panchayat Samiti or Zila Parishad to the Agency shall be issued without prior consultation with the Zila Parishad in the prescribed manner, but when Panchayati Raj Board has been constituted under section 60 of the * [Bihar Panchayat Samiti and Zila Parishad Act, 1961, this Board and not the Zila Parishad will be consulted.

*In view of applicability of this Act to Jharkhand [u/s 84, Bihar Reorganisation Act, 2000] this may be read as "Jharkhand".

41. Provisions of this Act to prevail. - The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

42. Winding up. - When the State Government is satisfied that the purpose for which an Agency was established under this Act have been substantially achieved so as to render the continuance of the Agency unnecessary, the State Government may, by notification in the Official Gazette declare that the Agency shall be dissolved with effect from such date as may be specified in the notification and the Agency shall be deemed to have been dissolved accordingly with effect from the said date and all the properties, funds and dues realisable by the Agency along with its liabilities shall devolve upon the State Government.

43. Repeal and Saving. - (1) The Bihar Agricultural and Rural Area Development Agency Second Ordinance, 1978 (Bihar Ordinance no. 101 of 1978) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power 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 or action was done or taken.