

**Bihar Coal Mining Area Development Authority  
(Amendment) Act, 1992**

**24 of 1992**

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**Bihar Coal Mining Area Development Authority  
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An Act to amend the Bihar Coal Mining Area Development Authority Act, 1986. Be it enacted by the Legislature of the State of Bihar in the Forty-Third year of the Republic of India as follows:-  
Objects and reasons.-In the State of Bihar for the present, the Bihar Coal Mining Area Development Authority Act, 1986 is in force for the proper development and to provide civic amenities to the Coal Mining Areas. Government is of the view that proper development and civic amenities may also be provided in other mineral areas and necessary additional resources may be created for the purpose. Necessary provisions have been made in this Bill to achieve the said objects by making amendments in the said Act, enactment of which is the object of this Bill. 1. Assented to by the Governor on 29.8.1992.

## **CHAPTER 1 PRELIMINARY**

### **1. Short Title, Extent And Commencement :-**

- (1 ) This Act may be called the Bihar Coal Mining Area Development Authority (Amendment) Act. 1992;
- (2) It extends to the whole of the State of Bihar;
- (3) It shall come into force on such date and in such area as the State Government may, by notification in the Official Gazette, appoint.

### **2. Amendment Of Section 1 Of Bihar Act 9, 1986 :-**

In the Bihar Coal Mining Area Development Authority Act, 1986 (Bihar Act 9, 1986) (hereinafter referred to as the said Act) in sub-section (1 ) of section 1 for the words "Coal Mining" the word "Mineral" shall be substituted.

### **3. Amendment Of Section 2 Of Bihar Act 9, 1986 :-**

In the said Act in Section 2-

- (i) for the words "Coal Mining" in clause (2) and wherever they exist the word "Mineral" shall be substituted.
- (ii) in clause (23) before the words-"the Bihar and Orissa Municipal Act" for the word "and" a comma (,) shall be substituted and after the words and figure "the Bihar and Orissa Municipal Act, 1922" for the full-stop (.) the word "and" shall be substituted and the words and figure "the Bihar Agriculture Produce Markets Act, 1960" shall be added.
- (iii) after clause (23) the following new clauses shall be added; namely-
  - "(24) Commodity means any commodity produced or extracted chemically or mechanically or with the help of tools and equipment driven manually or by power other than the agricultural products as specified in the list to be prepared under clause (ii) of section 90-A of this Act
  - (25) Market Area means any area which may be declared as such under section 90-A of this Act;
  - (26) Factory or Production Centre means any place or premises or area where production or extraction of any commodity takes place;
  - (27) Fee means the amount chargeable under section 90-A of this Act;
  - (28) Licence means a licence granted under clause (iii) of Section

90-A of this Act".

## **CHAPTER 2** Chapter II

### **4. Amendment Of Section 5 Of Bihar Act 9,1986 :-**

In the said Act, in subsection (3) of Section 5-

(i) For clause (d) the following shall be substituted namely:-

"(d) The Divisional Commissioner concerned with the Mineral Area Development Authority and the District Magistrate of the District declared as Mineral Area Development Authority under sub-section (1) of Section 3."

(ii) For clause (g) the following shall be substituted; namely:- "(g) Two representatives of the Ministry of Central Government dealing with Mines and Minerals."

### **5. Insertion Of Sub-Section (1A) In Section 8 Of Bihar Act, 1986 :-**

In the said Act after sub-section (1) of Section 8 the following new sub-section shall be inserted, namely-

"(1 a) For the purposes of performing the function mentioned in sub-section (1) it shall be lawful for any officer of the Authority-

(i) to enter in or upon any land to make survey and to take level of such land;

(ii) to dig or bore into the sub-soil;

(iii) to make levels and boundaries by planting marks and cutting trenches; (iv) to cut down and clear away any part of any standing crop, fence or Jungle where the survey cannot be completed, levels cannot be taken and boundaries can not be marked otherwise;

(v) to examine works under construction and to ascertain the course of sewers, drains, or other utilities."

## **CHAPTER 3** Chapter III

### **6. Amendment In Chapter Vii Of Bihar Act 9, 1986 :-**

In the said Act in Chapter VII for the words "Tonnage Cess" wherever they occur the word "Tax" shall be substituted.

### **7. Amendment Of Section 86 Of Bihar Act 9,1986 :-**

In Section 86 of the said Act-

In sub-section (3) for the words "not exceeding Rupees Five Hundred" the words "not exceeding Rupees One Thousand" shall be

substituted.

### **8. Substitution Of Section 89 Of Bihar Act 9,1986 :-**

In the said Act for Section 89 the following shall be substituted, namely:-

"89 levy of tax on use of land for other than agricultural and residential purposes;

(1 ) The Authority shall subject to the provisions of this Act, and Rules framed thereunder levy tax, by notification published in the Official Gazette, on land-being used by any person, group of persons, company, the Central Government or the State Government, local or Corporate Body for mining, Commercial or Industrial purposes with the prior approval of the State Government:

Provided that the tax so levied shall not exceed Rupees 1.50 per square meter annually for any such land but such tax shall not be levied on land which is subject to Holding Tax.

(2) The State Government shall, out of the tax so levied and collected, determine the amount to be deposited into the consolidated Fund of the State Government from time to time.

### **9. Amendment Of Section 90 Of Bihar Act 9, 1986 :-**

In the said Act, in sub-section (4) of Section 90-

(i) In clause (i) for the word "Four" the word "Sixteen" shall be substituted;

(ii) In clause ( i) for the word "Four" the word "Sixteen" shall be substituted,

### **10. Insertion Of New Sections After Section 90 Of Bihar Act 9,1986 :-**

In the said Act after Section 90 the following new Sections shall be inserted; namely-

"90 A Declaration and purpose of Market Area-

The State Government may, by notification in the Official Gazette, declare any area as a Market Area where sale or transaction of commodities takes place with the purpose to provide civic amenities, infrastructure and marketing facilities subject to the following conditions:-

(i) Market-fee shall be chargeable on sale or transaction of any commodity at a rate which may, by the State Government in the

Official Gazette, be determined from time to time:

Provided that the rate so fixed shall not be more than One percentum of the sale value of the commodity.

(ii) The Authority may, with the approval of the State Government, make a list of such chargeable commodities and may add, amend or cancel any of the items of commodity specified in the said list, by notification in the Official Gazette:

Provided that no such commodity shall be included in the list of chargeable commodities under this Act on which Market-Fee is chargeable under the Bihar State Agriculture Produce Markets Act, 1960.

(iii) A person or Commercial concern engaged in the sale, transaction or trade of commodities specified in the list as mentioned in clause (ii) shall be required to obtain a licence from the Authority concerned, on payment of fee to be prescribed:

Provided that the rate of the licence fee so fixed shall not be more than Rupees Two Hundred annually.

90-B. Collection of Market fee and Allocation of Fund for Development.-

(1) The State Government shall, for the collection of market fee on sale or transaction of commodities within the market area, provide for necessary agency; and

(2) The market-fee so collected shall be deposited in the State Fund and the State Government shall make suitable allocations every year to the Authority concerned to provide for civic amenities, infrastructure and marketing facilities within its area".