
Bihar Jalkar Management (Amendment) Act, 2007**13 of 2007****[19 April 2007]****CONTENTS**

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Bihar Jalkar Management (Amendment) Act, 2007**13 of 2007****[19 April 2007]**

An Act to amend the Bihar Jalkar Management Act, 2006. Whereas some discrepancies have been found in the implementation of new scheme of settlement of Jalkars under Bihar Jalkar Management Act, 2006 and it is necessary to clarify some provisions of the Act and it is necessary to increase the production of qualitative fish production in Jalkars. Be it enacted by the Legislature of the State of Bihar in the fifty eighth year of Republic of India as follows:- 1. The Published in Bihar Gazette (ex-ord.) dated 19th April, 2007.

1. Short Title, Extent And Commencement :-

(1) This Act may be called the Bihar Jalkar Management (Amendment) Act, 2007.

(1) It shall extend to the whole of the State of Bihar.

(2) It shall come into force at once.

2. Amendment In Section 2 Of Bihar Act 13, 2006 :-

The following amendments shall be made in Section 2 of the Bihar Jalkar Management Act, 2006:-

(1) In Section 2(viii), the word "Professional" shall be substituted by the word "traditional".

(2) In Section 2 (xii), the words "who is trained by "Fisheries Department" shall be substituted by the words "trained by the Fisheries Department or fishermen having qualification of recognized courses in fisheries science".

(3) After Section 2(xiv) and 2(xv), the following notes shall be added:-"Note-(1) The term of representative of Fisherman Co-operative society and progressive fish farmers nominated shall be as fixed by the Government or maximum period of five years.

"(2) In case representative of Fishermen Co-operative Society or progressive fish farmers are not nominated by the Government, the Collector may nominate two Non-Government members to take part in the meeting of "Reserve Deposit Fixation Committee."

(4) After clause (xv) of Section 2, the following two clauses shall be added-

"(xvi) "Free jalkar" means the water area notified for free fishing by the Government from time to time.

(xvii) "Parta" means that Jalkar which has not been settled for any reason and that has been declared so by prescribed procedure in Section 11 of the Act."

3. Amendment In Section 3 Of Bihar Act 13, 2006 :-

The following Amendments shall be made in Section 3:-

(1) The following proviso shall be added after Section 3(ii) of the said Act 2006:-

"Provided that the District Fisheries Officer shall give public notice of proposed classification and invite objections on it and shall dispose them off within a month before making final classification."

(2) The following new sub-sections (iii) and (iv) shall be added after sub-section (ii) of Section 3 of the said Act 13, 2006:-

"(iii) The State Government may issue order in relation to the different categories of water-bodies as to whether they shall be classified as of Fine category, Medium category or Low category.

(iv) The State Government may review the order issued under sub-section (iii) above, on the basis of the potential of production based on possible scientific fisheries development."

4. Amendment In Section 4 Of The Bihar Act 13, 2006 :-

Original sub-section (iv) of Section 4 of the said Act 13, 2006 shall be substituted by the following:-

"(iv) Quorum of Reserve Deposit Fixation Committee shall be the presence of at least three members."

5. Amendment In Section 5 Of The Bihar Act 13, 2006 :-

The following amendments shall be made in Section 5:-

(1) In sub-section (iii) of Section 5 after the words "Fishermen Co-operative Society" the words "or other" shall be added.

(2) After sub-section (iii) of Section 5 of the said Act, 2006, a following new sub-section (iv) shall be added.-

"(iv) Settlement of Jalkars in the State is to be aimed at maximizing fish production and productivity scientifically and increasing more and more avenues of employment for fisherfolk."

6. Amendment In Section 6 Of The Bihar Act 13, 2006 :-

The following clause (e) shall be added after clause (d) of sub-section (vii) of Section 6 of the said Act, 2006:-

"(e) After cancellation of settlement for recovery of arrear amount certificate case shall be filed by the District Fishery Officer and settlement of this Jalkar shall be made under Section 7."

7. Amendment In Section 7 Of The Bihar Act 13, 2006 :-

The following amendments shall be made in Section 7 of the said Act, 2006:-

(1) In Section 7(i) the words "selected Jalkars for long term settlement" shall be substituted by the words "selected Jalkars for Long Term Settlement selected Jalkar under Section 5(iii) and notified Jalkar for Free Fishing by the State Government."

(2) Section 7(ii) shall be substituted by the following:-

"(i) The following shall be the Authority for approval of Short Term Settlement to any Fishermen Co-operative Society or other under provisions of the Act:-

(a) The District Fisheries Officer for Jalkars of Annual Reserve Deposit up to One Lac rupees,

(b) The Deputy Director of the range for Jalkars of Annual Reserve Deposit more than One Lac rupees up to Five Lac rupees,

(c) The Director Fisheries for the Jalkars of Annual Reserve Deposit more than Five Lac rupees up to Twenty Lac rupees, and

(d) The State Government for the Jalkars of Annual Reserve

Deposit of more than Twenty Lac rupees."

(3) The following Note shall be added after Section 7(iii)(a):-

"Note.-If the audit report of the auditor appointed by the Co-operative Department is not ready, Fishermen Co-operative Society may submit the audit report of recognized Chartered Accountant."

(4) The words "and proportion of Jalkars in their share" used in Section 7(iv) shall be deleted.

(5) The word "eligible" shall be replaced by the word "desirous" and following sentences shall be added in Section 7(viii):-

"Division of Jalkars shall be made with self-consent of the society. In case of any dispute, Reserve Deposit Fixation Committee may take any decision."

(6) The last sentence of the proviso of Section 7(xii)(f) "Expenses incurred on registration shall be borne by the society" shall be deleted.

8. Amendment In Section 8 Of The Bihar Act 13, 2006 :-

The words "and the minimum number of members" used in Section 8(ii) shall be deleted.

9. Amendment In Section 11 Of The Bihar Act 13, 2006 :-

The words "two limited bids" used in Section 11 of the said Act, 2006 shall be substituted by the words "two open bids".

10. Amendment Of Section 13 Of The Bihar Act, 13, 2006 :-

A following new sub-section (vii) shall be added after sub-section (vi) of Section 13 of the said Act, 2006:-