

BIHAR JALKAR MANAGEMENT (AMENDMENT) ACT-2007

AN ACT

TO AMEND THE BIHAR JALKAR MANAGEMENT ACT-2006

Preamble :- Where are 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 Legislators of the Republic of India as follows:-

1. Short title, extent and commencement - (i) This Act may be called the **Bihar Jalkar Management (Amendment) Act, 2007**.

(ii) It shall extend to the whole of the state of Bihar.

(iii) 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 (xiv) and 2(xv), the following notes shall be added:-
“**Note – (i) The term of representative of Fishermen Co-operative society and progressive fish farmers nominated shall be as fixed by the government or maximum period of five years.**

(ii) **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 amendment 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 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 subsections (iii) and (iv) shall be added after subsection (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 (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 by 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 subsection (iii) of Section 5 after the words **“Fishermen Co-operative Society”** the words **“or other”** shall be added.

(2) After subsection (iii) of Section 5 of the said Act 13, 2006, a following new subsection (iv) shall be added :-

“(iv) Settlement of Jalkars in the state is to be aimed at maximizing fish production and productivity scientifically and increase more and more avenues of employment for fisher folk.”

6. Amendment in Section – 6 of the Bihar Act, 13, 2006 - The following clause (e) shall be added after clause (d) of subsection (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 and notified Jalkar for Free Fishing by the state government”**.
- (2) Section 7(ii) shall be substituted by the following :-
 - “(ii) The following shall be the Authority for approval of Short Term Settlement under any Fishermen Co-operative Society or other 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 all the Jalkars of Annual Reserve Deposit more than Five Lac rupees up to Twenty Lac rupees, and**
 - (d) **The State government for jalkar of Annual Reserve Deposit more than Twenty Lac rupees.”**
- (3) The following Note shall be added after Section 7 (iii) (a) :-

“Note – If due to non-appointment of auditor by Co-operative Department if audit report is nor 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 replace 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 subsection (vii) shall be added after subsection (vi) of Section 13 of the said Act 2006:-

“(vii) Breeding and Transportation of Big head and foreign Mangur and other prohibited fishes by Ministry of Agriculture, Government of India from time to time will remain Prohibited.”

11. **Amendment of Section 16 of the Bihar Act, 13, 2006** – The words **“Civil or Revenue Court”** used in Section 16 of the said Act, 2006 shall be substituted by the words **“any Civil Court, Court of Co-operative Registrar and Revenue Court.”**
12. **Amendment of 17 of the Bihar Act, 13, 2006** – The brackets and figures **“(i) to (v)”** used in Section 17(ii) of the said Act, 2006 shall be substituted by the brackets, word and figures **“(i) to (v) and (vii)”** respectively.
13. **Amendment of Section 20 of the Bihar Act, 13, 2006** – subsection (i) of Section 20 of the said Act, 2006 shall be substituted by the following:-

“(i) All departmental Rule, order and circulars issued in relation of settlement of Jalkars before the commencement of this Act are hereby repealed.”