

GUWAHATI WATERBODIES (PRESERVATION AND CONSERVATION) ACT, 2008

Registered No. 768/97 THE ASSAM GAZETTE EXTRAORDINARY PUBLISHED BY THE AUTHORITY 243 8 2008, 17 1930 No. 243 Dispur, Friday, 8th August, 2008, 17th Sravana, 1930 CS.E.) GOVERNMENT OF ASSAM ORDERS BY THE GOVERNOR LEGISLATIVE DEPARTMENT : : LEGISLAHV, BRANCH NOTIFICATION The 7th August, 2008 No. LGL.103/2008/14. -- The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information. THE Preamble ASSAM ACT NO. XX OF 2008 (Received the assent of the Governor on 5th August, GUWAHATI WATERBODIES (PRESERVATION AND CONSERVATION) ACT, 2008 AN ACT to provide for preservations, protection, conscrvation, regulati0J@ and maintenance of waterbodies and to develop the waterbodies into natural water reservoir and convert into eco- tourism recreation centre to suit the ecological balance within the jurisdiction of Guwahati Metropolitan Development Authority and to protect the waterbodies from the encroa.chers and llamagev protection, conservation, Whereas it is expedient to provide iOr preservation, regulation and maintenance of waterbodies and to develop the waterbodies into natural water reservoir and convert into eco-tourism recreation cent.re to suit the ecological balance within the jurisdiction of Guwahati Metropolitan Development Authority and to protect the water bodies froog the encroachers and damages and the mattrs connected therewith or incidental thereto: 1352 Short title, extent and commence- ment Definitions Declaration of waterbodies Restriction on use of land. Appeal Penalty 1. 2. 3. 4. .13 5

6. THE ASSAM GAZETTE, EXTRAORDINARY, AUGUST 8, 2008 It is hereby enacted in the Fifty-ninth Year of the Republic of India as tollows:- (1) This Act may be called the Guwahati Waterbodies (Preservation and Conservation) Act, 2008.(2) It extends to the jurisdiction of Guwahati Metropolitan Development Authority. (3) It shall come into force at once. In this Act, unless the context otherwise requires,- Assam (a) "Competent Authority" means the Guwahati Metropolitan Idevelopment (b) (c) (d) (e) Authority constituted under the Guwahati Metropolitan Development Authority Act, 1985 or any other Authority whenever State Government specially empowered in this behalf: "Government" means the State Government of Assam; "Jirat" means any structures raised by the owner and includes trees; "Owner" means a land holder and settlement holder other than land holder who holds land under the Assam Land and Revenue Regulation, 1886 and shall include a mortgagee, lessee or a tenant under the Assam (Temporarily Settled Areas) Tenancy Act, 1971 ; "Waterbodies" means the area or areas of land where the rain water accumulates and act as natural or storm water reservoir and shall include wetland. Act No 20 of 1987 Regulat ion I of 1886. Assam Act No 23 of 1971 Notwithstanding anything contained in any other iaws enacted by the State Legislature which are tor the time being in force m Assam, the areas of the land specified in the Schedules I, III and I V this Act shall be the waterbodies. Notwithstanding anything cooteinefl ira any other laws enacted by the State Legislature which are tine time being in force in Assatn, the area of land specified in the Schedules I, 11, III and IV of this Act shall be used as waterbodies and no person after coming into force of this Act shall- (i) (ii) (iii) (iv) (v) undertake any activities including the filling up of waterbodies which may cause damage or reduce the size of the waterbodies; construct or erect any structure the waterbodies; dump or throw solid waste or gacbag< in the waterbodies; extend or reinforce of any building standing upon the waterbodies; carry out any of except fish curing, aqua culture, conservation measure and flood control measures, that too with the specific previous permission the Coniljetent Authority. Any person aggrieved by the order of the Competent Authority under clause (v) of section 4 may prefer an appeal before the State Government within thirty days from the date of such order, whose decision thereon shall be final. (1) Whoever violates any onc or more of the provisions of section 4 shall commit an offence which shall be punishable with inrpriisonment för a term which may extend to three years or with fine which may extend to fifty thousand rupees or with both. (2) A person who abets any of these ofTenccs as albresaid shall be. liable för the same punishment as provided for the ollénce. THE ASSAM GAZETTE EXTRAORDINARY AUGUST 8 2008 1353 Central (3) The offences committed under this Act silall be treated as cognizable offence Act No. under the Code of Criminal Procedure, and shall be tried accordingly. 2 of 1974. 'raking up develop- mental schemes. Protection of Action takes in good faith. Power to make rules. Power to remove -difficulties. Overr- iding effect. The Competent Authority or any oi,ner person or Authority, with the previous 7. permission of the

Government, may take up project or scheme of eco-tourism or water based recreation for better management, preservation and conservation of the waterbodies declared as such in the Schedules I, II, III and IV of this Act. (1) No suit, prosecution or other legal proceedings shall lie against any officers of the Competent Authority or Government for anything in good faith done or intended to be done in pursuance of this Act., (2) No suit or legal proceeding shall lie against the Government for any damage or Injury caused or likely to be caused to any owner or person in pursuance of this Act, which is done or intended to be done in good faith

9. The Government may, by notification in (he official Gazette, make rules for carrying out the purposes of this Act, If any difficulty arises in giving efteci to the provisions this Act, the

(government 10 may, by notification in the official gazette) provisions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty. Notwithstanding anything contained in the Assam Hill and Ecological Sites and Monuments (Protection and Management) Act, 2006, or any other Acts enacted by the State Legislature for the time being in force in Assam, the provisions of this Act shall have effect in the areas mentioned in the Schedules I, II and IV of this Act. Assam Act. V of 2007 Schedule of land:- District - Mouza- Revenue Village- All land of dag Numbers- Bounded by - North- dag numbers- South- dag numbers- East-dag numbers- West-dag numbers- Schedule of land:- District - Mouza- Revenue Village- All land of dag numbers- Schedule. (SARUSALA Kamrup (Metropolitan) I) District, Guwahati. Sahar Guwahati Part-II 771, 795, 796, 771/1971, 771/1972 and 771/1988. 779, 789, 1004, 1065, 1062, 791, 792, 793, 797 and 794. 591, 1058, 1781 and 59, 1012, 1014, 1018, 1051, 1019, 1754, 1753, 1021, 1024, 1025, 1031, 1033, 1034, 1035, 1036, 1037, 1923, 1038, 1039, 1040, 1041, 1906, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1033, 1078, 1055, 1056 and 1057. 778, 772, 2003, 2014, 770, 768, 767, 766, 1736, 763, 686, 685, 684, 1933, 681, 680, 679, 678, 632, 631, 1718, 630, 6299 2039, 628. 019, 618, 617, 611, 610, 609, 608, 607, 606, 605, 604, 602, 600 2074, 598, 1986, 597, 596 and 594. Schedule- II (BORSOLA BEEL) Kamrup (Metropolitan) District, Guwahati, Sahar Guwahati 1312, 1312/2003, 1312/1992, 1312/2002. [644, 1312/2001 and 1354 THE ASSAM GAZETTE EXTRAORDINARY AUGUST 8, 2008 Bounded by- North- dag numbers- South - dag numbers- East - dag numbers- West dag- numbers: Schedule of land:- District - Mouza- Revenue Village- All land of dag numbers- Bounded by- North* dag numbers- East-dag number- South- dag numbers- West- dag numbers- (B). Revenue Village- All land of dag numbers - Bounded by North-dag numbers- East - dag numbers- South- dag numbers- West- dag numbers- Revenue Village- All land of dag numbers- Bounded by North East — dag numbers- South dag numbers. West 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310 and 1311. 1663 and Bilpar Road. Nepali Mandir and 1313, 1314, 1800, 1934, 1324, 1325, 1335, 1336, 1338, 1351, 352 (Road), 1353 (Road), 1359 (Road) and 1642 (Road). 1083 (Road). Schedule- J 11 (Siisako Bee) } Kamrup (Metropolitan) District, Beltoia Hengrabari. 530 (original), 531 (original), 532 (original), 533 (original) 836 (original), 489 (original) and 602 (original) and proposed Guwahati Resettlement Operation dag numbers 1042, 1047, 1048, 1049, 1050, 1043, 1046, 1082, 1085, 1086, 1093, 1108, 1112, 949, 954, 1040, 1041, 1038, 1053, 1056, 1054, 1039, 1011, 1012, 1070, 1084, 990, 991, 1074, 1087, 1088, 960, 1065, 1071, 1006, 1099, 1031, 986 and 989. Dag No. 15, 85 of Satgaon village. 4059 and 483 of village Nol Madghoria 691, 692, 693, 694, 698(Part), 728(Part), 7.30(Part)), 571 752, 753, 760, 761, 759, 042, 603, 538, 534 and 535 of Hengrabari Village, 765, 766, 767, 768, 769 (Pan), 446, 448, 449 and 451 of Hengrabari Village. 529, 524, 526, 519, 518, 514, 513, 501, 500, 495, 849, 490, 488, 371, 372, 373, 376, 378, 379, 380, 385, 386, 398, 390, 391, 398, 399, 401, 404, 406 and 408 or Hengrabari village. Satgaon, 15 (original), 925(original), 873(original), 874 (original), 17(original), 84(original) and 939(original). 4 and 5 of Satgaon Village. 14, 16, 19, 18, 83, and 85 of Satgaon Village. 532, 533 of Hengrabari Village. 405, 484, 401, 404, 498, 403, 478 and 390 01' Number 1 Madghoria village. No.1 Madghoria. 387, 389, 390, 396, 397, 398.399, 400, 401, 402, 403, 404, 405, 406, 483, 484, 478, 499, 4989 474, 475, 485 and 486. P.W.D. Road. 15 of Satgaon village. 533 and 836 of Hengrabari village. Part of Oil India Pipe line and dag Nos. 487, 4*4, 380, 379, 347, 345, 314, 311, 294, 292 and 488 of Madghoria village. THE ASSAM GAZETTE EXTRAORDINARY AUGUST 8 2008 1355 Schedule of land:- District Mouza- (A). Revenue Village- All land of dag numbers- (B) Revenue village - All land of dag number- (A) and (B) Bounded by North- dag numbers- dag numbers- East- South- dag numbers- West- dag numbers- (C) Mouza — Revenue Village- All land of dag Numbers- Schedule- IV (Near Deepor Kamrup (Metropolitan) District, Ramcharani. Mikirpara Chakardoi, 678, 194, 699,

1156, 991, 992, 1325, 1351, 215, 725, 726, 727, 728, 729, 730, 1246, 1340, too, 700 and 193. Dharapur. 947. 978, '768, 966, 942 and 941, of Dharapur Village, 55, 62, 43, 67. 66, 70, 71, 167, 172, 192, 191, 190, 189, 188, 701, 702, 715, 716, 719, 720, 724 of Mikirpara Chakardoi Village and boundary of Dakhin Jalukbari and Tetelia 1676, 112, 109, 107, 106, 103, 196, 724. 688, 687, 686, 684, 665, 655, 664, 652, 648, 645, 044, 1291 and 693 of Mikirpara Chakardoi village. 197, 198, 199, 200, 201, 202, 203, 204, 205, 693, 1142, 1145, 1141, 1109, 1108, 1107, 1106, 1026, 1024, 1023, 1017, 1016, 1015, 1014, 1164, 1229, 1242, 1286, 1289, 1209, 949, 1221, 948, 1222, 947, 946, 944, 939, 765, 964, 1218, 1219, 952, 751, 750, 749, 748, 747, 746, 745, 744, 743, 742, 732, 731, 692, 690, 689, 672, 673, 671, 666, 533, 532, 515, 1246, 1186, 1303, 1302, 1301, 1300, 1299, 1298, 1297, 1296, 1294, 1293, •1239, 483, 482, 480, 479, 478, 477, 476, 475, 474, 473, 472, 470, .34 1, 340, 339, 236, 5, 7, 1172, 13, 14, 44, 479 48, 49, 50, 51, 62, 53, 54, 64, 65, 68, 1333, 693, 694, 60', 696, 697 and 698 of Mikirpara Chakardoi village, Rani reserve Ibrest and part of railway line. 978, 983, 765, 979 of village .l)harapur, 7, 55, 32, 42, 70, 71, 72, 73, 75, 76, 66, 90, 99, 221, 220, 217, 216, 231, 227, 236, 341 342, 12404 346, 350, 1324, 1316, 1318, 1290, 466, 381, 1280, 090, 1209, 1289, 765 and 939 of Mikirpara Chakardoi village. Jalukbari, Dakhin Jalukbari, 175, 176, 178, 180 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204 205, 206, 207, 208, 210, 21 3, 214, 215, 216, 217, 218, 219 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231 232, 234, 235, 236, 237, '38, 239, 240, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 256, 257 258, 259, 260, 261, 262, 263, 264, 265, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293 121, 168, 169, 170, 171, 172, 173, 174, 241 266, 242, 243, 244 267, 268, 269 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305 306, 307, 308, 309, 310, 31 314, 315, 316, 317 318, 319 320, 321, 322, 323, 324, 325, 326, 327, 328, 329 330 and 107, 209, 2119 212, 233, 255, and 167. 1356 THE ASSAM GAZETTE EXTRAORDINARY AUGUST 8, 2008 Bounded by- North- dag numbers- South- West- 165, 164, 163, 162, '16}, 160, 159, 158, 1579 154, 153, 130, 129, 127, 126, 125, 124, 1*4, 137, 67, 66, 65, 64, 57, 333, 5, 6, 7, 8, 9, 80, 84, 85, 115, 114, 116, 117, 118, 113, 119, 120, 11! 158, 106, 104, 103, 90, 92, 93, 94, 95, 88, 97, 101, 100, 99, 98, 40, 39, 38, 37; 36, 35, 34, 32, 20, 42, 43, 55, 18, 19, 86, 56, 122, 123, 133, 149, 135, 139, 75, and 76 of Dakhin Jalukbari village. Boundary of Tetelia revenue village. Deepor Beel Boundary Pac}iiifi Jaiukbari village. MOI-ID.A. HAQUE, Secretary to the Government of Assam, Legislative Department. GUWAHATI- Printed and Published by the Dy. Director (P&S), Directorate of Ptg. & Stys, Assam, Guwahati-21, (Ex-Gazette) No. 485-500-600-8-8-2008.