

The Guwahati Waterbodies (Preservation and Conservation) ACT, 2008 -

X

পঞ্জীভুক্ত নম্বৰ - ৭৬৮/৯৭

Registered No. 768/97

অসম



ৰাজপত্ৰ

সত্যমেব জয়তে

THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT :: LEGISLATIVE 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.

ASSAM ACT NO. XX OF 2008

(Received the assent of the Governor on 5th August, 2008)

THE GUWAHATI WATERBODIES (PRESERVATION AND CONSERVATION) ACT, 2008

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ACT

to provide for preservations, protection, conservation, regulation 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 encroachers and damages.

Preamble

Whereas it is expedient to provide for preservation, protection, conservation, regulation 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 water bodies from the encroachers and damages and the matters connected therewith or incidental thereto:

It is hereby enacted in the Fifty-ninth Year of the Republic of India as follows:-

Short title,
extent and
commence-
ment

1. (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.

Definitions

2. In this Act, unless the context otherwise requires,-

- (a) "Competent Authority" means the Guwahati Metropolitan Development Authority constituted under the Guwahati Metropolitan Development Authority Act, 1985 or any other Authority whenever State Government specially empowered in this behalf; Assam Act No 20 of 1987
- (b) "Government" means the State Government of Assam;
- (c) "Jirat" means any structures raised by the owner and includes trees; Regulation I of 1886.
- (d) "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; Assam Act No 23 of 1971
- (e) "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.

Declaration
of
waterbodies

3. Notwithstanding anything contained in any other laws enacted by the State Legislature which are for the time being in force in Assam, the areas of the land specified in the Schedules I, II, III and IV of this Act shall be the waterbodies.

Restriction
on use of
land.

4. Notwithstanding anything contained in any other laws enacted by the State Legislature which are for the time being in force in Assam, the area of land specified in the Schedules I, II, III and IV of this Act shall be used as waterbodies and no person after coming into force of this Act shall-
 - (i) undertake any activities including the filling up of waterbodies which may cause damage or reduce the size of the waterbodies;
 - (ii) construct or erect any structure in the waterbodies;
 - (iii) dump or throw solid waste or garbage in the waterbodies;
 - (iv) extend or reinforce of any building standing upon the waterbodies;
 - (v) carry out any kind of business except fish curing, aqua culture, conservation measure and flood control measures, that too with the specific previous permission of the Competent Authority.

Appeal

5. 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.

Penalty

6. (1) Whoever violates any one or more of the provisions of section 4 shall commit an offence which shall be punishable with imprisonment for 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 offences as aforesaid shall be liable for the same punishment as provided for the offence.

- (3) The offences committed under this Act shall be treated as cognizable offence under the Code of Criminal Procedure, 1973 and shall be tried accordingly. Central Act No. 2 of 1974.
- Taking up developmental schemes. 7. The Competent Authority or any other person or Authority, with the previous 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.
- Protection of Action takes in good faith. 8. (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.
- Power to make rules. 9. The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.
- Power to remove difficulties. 10. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by notification in the official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty.
- Overriding effect. 11. Notwithstanding anything contained in the Assam Hill Land and Ecological Sites (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, III and IV of this Act. Assam Act. V of 2007

Schedule- I
(SARUSALA BEEL)

Schedule of land:-

District -	Kamrup (Metropolitan) District,
Mouza-	Guwahati.
Revenue Village-	Sahar Guwahati Part-II
All land of dag Numbers-	771, 795, 796, 771/2000, 771/1999, 771/1971, 771/1972 and 771/1988.
Bounded by -	
North- dag numbers-	779, 789, 1064, 1065, 1062, 791, 792, 793, 797 and 794.
South- dag numbers-	591, 1058, 1781 and 59.
East-dag numbers-	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, 1053, 1078, 1055, 1056 and 1057.
West-dag numbers-	778, 772, 2003, 2007, 2008, 2014, 770, 768, 767, 766, 1736, 763, 686, 685, 684, 1933, 681, 680, 679, 678, 632, 631, 1718, 630, 629, 2039, 628, 619, 618, 617, 611, 610, 609, 608, 607, 606, 605, 604, 602, 600, 2074, 598, 1986, 597, 596 and 594.

Schedule- II
(BORSOLA BEEL)

Schedule of land:-

District -	Kamrup (Metropolitan) District,
Mouza-	Guwahati.
Revenue Village-	Sahar Guwahati -II.
All land of dag numbers-	1312, 1312/2003, 1312/1992, 1644, 1312/2001 and 1312/2002.

- (3) The offences committed under this Act shall be treated as cognizable offence under the Code of Criminal Procedure, 1973 and shall be tried accordingly. Central Act No. 2 of 1974.
- Taking up develop-mental schemes. 7. The Competent Authority or any other person or Authority, with the previous 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.
- Protection of Action takes in good faith. 8. (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.
- Power to make rules. 9. The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.
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- Overr-iding effect. 11. Notwithstanding anything contained in the Assam Hill Land and Ecological Sites (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, III and IV of this Act. Assam Act. V of 2007

Schedule- I
(SARUSALA BEEL)

Schedule of land:-

District - Kamrup (Metropolitan) District,
Guwahati.
Mouza- Sahar Guwahati Part-II
Revenue Village- Sahar Guwahati Part-II
All land of dag Numbers- 771, 795, 796, 771/2003, 771/1999, 771/1971, 771/1972 and 771/1988.

Bounded by -
North- dag numbers- 779, 789, 1064, 1065, 1062, 791, 792, 793, 797 and 794.
South- dag numbers- 591, 1058, 1781 and 59,
East-dag numbers- 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, 1053, 1078, 1055, 1056 and 1057.
West-dag numbers- 778, 772, 2003, 2007, 2008, 2014, 770, 768, 767, 766, 1736, 763, 686, 685, 684, 1933, 681, 680, 679, 678, 632, 631, 1718, 630, 629, 2039, 628, 619, 618, 617, 611, 610, 609, 608, 607, 606, 605, 604, 602, 600, 2074, 598, 1986, 597, 596 and 594.

Schedule- II
(BORSOLA BEEL)

Schedule of land:-

District - Kamrup (Metropolitan) District,
Guwahati.
Mouza- Sahar Guwahati-II.
Revenue Village- Sahar Guwahati-II.
All land of dag numbers- 1312, 1312/2003, 1312/1992, 1644, 1312/2001 and 1312/2002.

Bounded by-	
North- dag numbers-	1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310 and 1311.
South -dag numbers-	1663 and Bilpar Road.
East - dag numbers-	Nepali Mandir and 1313, 1314, 1800, 1934, 1324, 1325, 1335, 1336, 1338, 1351, 352 (Road), 1353 (Road), 1359 (Road) and 1642 (Road).
West dag- numbers:	1083 (Road).

Schedule- III
(Silsako Beel)

Schedule of land:-

District -	Kamrup (Metropolitan) District,
Mouza-	Beltola
(A).	
Revenue Village-	Hengarabari.
All land of dag numbers-	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.
Bounded by-	
North- dag numbers-	Dag No.15, 85 of Satgaon village. 405, 400, and 483 of village No.1 Madghoria village.
East-dag number-	691, 692, 693, 694, 698(Part), 728(Part), 730(Part)), 571, 752, 753, 760, 761, 759, 695, 642, 603, 538, 534 and 535 of Hengarabari Village,
South- dag numbers-	765, 766, 767, 768, 769 (Part), 446, 448, 449 and 451 of Hengarabari Village.
West- dag numbers-	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 of Hengarabari village.
(B).	
Revenue Village-	Satgaon,
All land of dag numbers -	15 (original), 925(original), 873(original), 874 (original), 17(original), 84(original) and 939(original).
Bounded by -	
North-dag numbers-	4 and 5 of Satgaon Village.
East - dag numbers-	14,16, 19, 18, 83, and 85 of Satgaon Village.
South- dag numbers-	532, 533 of Hengarabari Village.
West- dag numbers-	405, 484, 401, 404, 498, 403, 478 and 390 of Number 1 Madghoria village.
(C).	
Revenue Village-	No.1 Madghoria.
All land of dag numbers-	387, 389, 390, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 483, 484, 478, 499, 498, 474, 475, 485 and 486.
Bounded by -	
North -	P.W.D. Road.
East - dag numbers-	15 of Satgaon village.
South - dag numbers-	533 and 836 of Hengarabari village.
West -	Part of Oil India Pipe line and dag Nos. 487, 434, 380, 379, 347, 345, 314, 311, 294, 292 and 488 of No.1 Madghoria village.

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Schedule- IV
(Near Deepor Beel)

Schedule of land:-

District -	Kamrup (Metropolitan) District,
Mouza-	Ramcharani.
(A).	
Revenue Village-	Mikirpara Chakardoi,
All land of dag numbers-	678, 194, 699, 1156, 991, 992, 1325, 1351, 215, 725, 726, 727, 728, 729, 730, 1246, 1340, 100, 700 and 193.
(B)	
Revenue village -	Dharapur.
All land of dag number-	947.
(A) and (B) Bounded by -	
North- dag numbers-	978, 768, 967, 966, 946, 945, 942 and 941, of Dharapur Village, 55, 62, 43, 67, 66, 70, 71, 136, 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 village.
East- dag numbers-	1676, 112, 109, 107, 106, 103, 196, 724, 688, 687, 686, 684, 665, 655, 664, 653, 652, 648, 645, 644, 1291 and 693 of Mikirpara Chakardoi village.
South- dag numbers-	197, 198, 199, 200, 201, 202, 203, 204, 205, 693, 1142, 1145, 1141, 1109, 1108, 1107, 1105, 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, 471, 470, 341, 340, 339, 236, 5, 7, 1172, 13, 14, 44, 47, 48, 49, 50, 51, 52, 53, 54, 64, 65, 68, 1333, 693, 694, 695, 696, 697 and 698 of Mikirpara Chakardoi village, Rani reserve forest and part of railway line.
West- dag numbers-	978, 983, 765, 979 of village Dharapur, 7, 55, 32, 42, 70, 71, 72, 73, 74, 75, 76, 64, 66, 90, 99, 221, 220, 217, 216, 231, 227, 236, 341, 342, 1240, 345, 346, 350, 1324, 1316, 1318, 1290, 466, 381, 698, 1286, 990, 1209, 1289, 765 and 939 of Mikirpara Chakardoi village.
(C)	
Mouza -	Jalukbari,
Revenue Village-	Dakhin Jalukbari,
All land of dag Numbers-	121, 168, 169, 170, 171, 172, 173, 174, 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, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330 and 107, 209, 211, 212, 233, 255, and 167.

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Bounded by-
North- dag numbers- 165, 164, 163, 162, 161, 160, 159, 158, 157, 154, 153, 130, 129, 127, 126, 125, 124, 134, 137, 67, 66, 65, 64, 57, 333, 5, 6, 7, 8, 9, 80, 81, 82, 84, 85, 115, 114, 116, 117, 118, 113, 119, 120, 111, 110, 158, 106, 104, 103, 90, 92, 93, 94, 95, 88, 54, 52, 47, 97, 101, 100, 99, 98, 40, 39, 38, 37, 36, 35, 34, 33, 32, 29, 20, 41, 42, 43, 55, 18, 19, 86, 56, 122, 123, 133, 149, 135, 159, 75, and 76 of Dakhin Jalukbari village.

East- Boundary of Tetelia revenue village.
South- Deepor Beel
West- Boundary of Pachim Jalukbari village.

MOHD. A. HAQUE,
 Secretary to the Government of Assam,
 Legislative Department.