

**Guwahati Waterbodies (Preservation And Conservation)
Act, 2008**

20 OF 2008

[07 August 2008]

CONTENTS

1. Short title, extent and commencement
2. Definitions
3. Declaration of waterbodies
4. Restriction on use of land
5. Appeal
6. Penalty
7. Taking up developmental schemes
8. Protection of Action takes in good faith
9. Power to make rules
10. Power to remove difficulties
11. Overriding effect

**Guwahati Waterbodies (Preservation And Conservation)
Act, 2008**

20 OF 2008

[07 August 2008]

AN 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:-

1. Short title, extent and commencement :-

(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.

2. Definitions :-

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;

(b) "Government" means the State Government of Assam;

(c) "Jirat" means any structures raised by the owner and includes trees;

(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;

(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.

3. Declaration of waterbodies :-

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.

4. Restriction on use of land :-

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 or the Competent Authority.

5. Appeal :-

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.

6. Penalty :-

- (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.

7. Taking up developmental schemes :-

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.

8. Protection of Action taken in good faith :-

- (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. Power to make rules :-

The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

10. Power to remove difficulties :-

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.

11. Overriding effect :-

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.