

THE ASSAM ACT NO. V OF 2007

(Received the Assent of the Governor on 16th January, 2007)

THE ASSAM HILL LAND AND ECOLOGICAL SITES (PROTECTION AND MANAGEMENT) ACT, 2006

AN ACT

provide for preservation, protection, regulation, acquisition, and maintenance of Hill land and other ecological sites of the State and more specifically within the jurisdiction of the Guwahati Municipal Corporation and for matters connected therewith or incidental thereto

Preamble

Whereas it is expedient to provide for preservation, protection, regulation and maintenance of Hill land and other ecological sites of the State and more specifically within the jurisdiction of the Guwahati Municipal Corporation and to protect the said hill land and ecological sites from unauthorized encroachers, wanton earth cutting, encroachment for habitation in the manner hereinafter appearing;

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

Short title, extent and commencement

- (1) This Act may be called the Assam Hill land and Ecological Sites (Protection and Management) Act, 2006
- (2) It extends to the whole of Assam.
- (3) It shall come into force on such dates as the State Government may, by notification in the Official Gazette, appoint.

Definitions

- 2. In this Act, unless there is anything repugnant in the subject or context,-
 - (a) "Advisory Committee" means the Advisory Committees constituted under section 5
 - (b) "Deputy Commissioner" means the Deputy commissioner of the district,
 - (c) "Designated area" means areas as may be notified by the Government under Section 4;
 - (d) "Ecological Sites" means and includes any area within the State of Assam which is not reserve forest or a sanctuary declared under any forest law for the time being in force but which are in existent as -

- (i) permanent water source of a particular locality;
 - (ii) a drainage system, feeding channel, any water body having and potentiality of becoming water source;
 - (iii) any local space which preserves any wild variety of valuable flora and fauna;
 - (iv) any local area having specific soil qualities that needs adequate protection, and
 - (v) any marshy land, ponds, lakes and swamp;
- (e) "Government" means the Government of Assam;
- (f) "Hill land" means any land covered by hillocks or hills and includes any local area which is not reserved forest or a sanctuary declared under any forest law for the time being in force;
- (g) "private land" means the land owned by a registered owner;
- (h) "prescribed" means prescribed by rules made under this Act;
- (i) "Registered Owner" means an owner of land whose name has been recorded in the land records as maintained by Government under the Assam Land and Revenue Regulation or any other revenue laws for the time being in force and who has valid registered deed in respect of the in his name;

**Prohibition of
Damage and
Destruction in the
Designated Area**

3. No person shall -
- (i) indulge in or undertake any earth cutting activities or carry any portion of a hill land causing damage or destruction of such hill ;
 - (ii) remove , fill up, dredge or in any way alter any of the ecological sites , and
 - (iii) do any such activity which may cause damage or destruction to the vegetative cover and wildlife resources of any designated area.

**Declaration of
Designated Area**

4. (1) Government may, on its own motion or on receipt of a report from the Advisory Committee declare any Hill land or ecological sites as designated Area by notification published in the Official Gazette and to take effect from the date of publication of the said notification .
- (2) The notification under sub section (1) shall clearly indicate the hill land and ecological sites in two distinct and separate lists containing full description and particulars including boundaries relating to the hill land and ecological sites specified in the respective lists.

(3) The Government may fix appropriate identification marks or sign board etc in the Designated Area concerned indicating that the area is a Designated Area declared under section 4 of the Act.

Constitution of
Advisory
Committee

5. (1) The Government may, by notification in the Official gazette, with effect from the date specified therein constitute the following two Advisory Committees, one in respect of the Kamrup (Metropolitan) District and the other for the rest of the districts where this Act is applicable to be called the Hill land and Ecological Sites (Protection and Management) Advisory Committee with the following, namely: -

(a) The Advisory Committee for the Kamrup (Metropolitan) District:

- (i) Commissioner of Lower Assam Division Chairman
- (ii) Deputy Commissioner Kamrup (Metro) District Member Secretary
- (iii) Sitting Members of Parliament
Guwahati Constituency Member
- (iv) Sitting Members of Legislative Assembly
Kamrup (Metropolitan) District Members
- (v) One Representative of Soil Conservation Department Member
- (vi) One representative of Environment & Forest Department Member
- (vii) Director of L and Records & Surveys Member
- (viii) Chief Executive Officer Guwahati Metropolitan
Development Authority Member
- (ix) Commissioner Guwahati Municipal Corporation Member
- (x) President of Zilla Parishad,
Kamrup (Metro) District Member

(b) Advisory Committee for the rest of the districts of the State of Assam :

- (i) Commissioner of Division Chairman
- (ii) Deputy Commissioner of the District Member Secretary
- (iii) Sitting Members of Parliament of the District Member
- (iv) Sitting Members of Legislative Assembly
of the District Member
- (v) The District Officer Soil Conservation Department Member
- (vi) The DFO, Environment & Forest Department Member
- (vii) Representative of Director of the L and Records Member
- (viii) President of Zilla Parishad Member

