



The Assam Urban Water Bodies (Preservation and Conservation) Act, 2024

Act No. 25 of 2024

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THE ASSAM GAZETTE

অসাধাৰণ

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT : : : LEGISLATIVE BRANCH

NOTIFICATION

The 5th October, 2024

No. LGL.40/2024/14.— The following Act of the Assam Legislative Assembly which received the assent of the Governor of Assam on 30th September, 2024 is hereby published for general information.

ASSAM ACT NO. XXV OF 2024

(Received the assent of the Hon'ble Governor on 30th September, 2024)

**THE ASSAM URBAN WATER BODIES
(PRESERVATION AND CONSERVATION) ACT, 2024**

AN ACT

to provide for preservation, protection, rejuvenation, conservation, regulation, maintenance and effective utilization of water bodies falling within the notified Master Plan areas of Assam and to develop the water bodies into natural water reservoir and convert into eco-tourism recreation center and sustainable fisheries to suit the ecological balance and to protect the water bodies from the encroachers and damages within the jurisdiction of the notified Master Plan area.

Preamble

Whereas it is expedient to provide for preservation, protection, rejuvenation, conservation, regulation, maintenance and effective utilization of water bodies falling within the notified Master Plan area and to develop the water bodies into natural water reservoir and convert into eco-tourism recreation center and sustainable fisheries to suit the ecological balance and to manage and mitigate urban/artificial flash flooding within the jurisdiction of the notified Master Plan area to protect the water bodies from the encroachers and damages and the matters connected therewith or incidental thereto,

It is hereby enacted the Seventy-fifth year of the Republic of India, as follows:-

Short title, extent and commencement

1. (1) This Act may be called the Assam Urban Water bodies (Preservation and Conservation) Act, 2024.
- (2) It shall extend to all notified Master Plan areas except for areas under Autonomous Districts, provided that if any District Council desires that all or any of the provisions of this Act shall apply to the Autonomous District concerned, a notification may be issued to that effect and this Act shall then extend to that Autonomous District subject to such exceptions or modifications as may be specified in the notification.
- (3) It shall come into force at once.

Definitions

2. In this Act, unless the context otherwise requires,
 - (a) "Government" means the State Government of Assam;
 - (b) "Master Plan" means the Master Plan notified under the provisions of the Assam Town and Country Planning Act, 1959 and the Guwahati Metropolitan Development Authority Act, 1985 from time to time;
 - (c) "Structure" means anything that is built or constructed whole or part, with a fixed location on ground or ground below water surface;
 - (d) "Waterbody" means the area or areas of land where the rain water accumulates and act as natural or storm water reservoir and wetlands, all natural water channels (that are inflow or out flow channels into or from the waterbody), all waterbodies or ponds or tanks including those belonging to religious institutions, irrespective of its size, but shall not include;

**Assam
Act II of
1960**

- (i) all the private water bodies having an area less than 2 acres;
- (ii) water bodies located in an area notified as reserved forest or an area such as Wildlife Sanctuary or National Park;
- (iii) all ponds and tanks under Government Fish Farms under Fishery Department;

Maintenance and preservation of water bodies

3. Notwithstanding anything contained in any law for the time being in force, every person holding any water body in the state shall maintain and preserve such land containing the water bodies in such a manner that its area is not diminished and character is not changed or it is not converted for any purpose other than the purpose for which it was settled or previously held except with previous approval of the State Level Committee.

Constitution of District Level Committee

4. The District Level Committee shall consist of the following members, namely:-
- (i) District Commissioner of the District and Chief Executive Officer, Guwahati Metropolitan Development Authority (GMDA) in respect of Guwahati Metropolitan Development Authority (GMDA) area Chairman
 - (ii) Chairperson of ULBs Member
 - (iii) Deputy Director or Assistant Director, Town and Country Planning Member Secretary
 - (iv) District Level heads of -
 - (a) Department of Forest Member
 - (b) Department of Soil Conservation Member
 - (c) Department of Water Resource Member
 - (d) Department of Agriculture Member
 - (e) Department of Fisheries Member
 - (f) Department of Tourism Member
 - (g) Department of Soil Conservation Member
 - (h) Department of Irrigation Member
 - (i) Circle Officer concerned Member
 - (j) Executive Officer, ULBs Member
 - (k) Secretary, Gaon Panchayats Member
 - (l) Chairperson, Development Authority Member
 - (m) Two local public representatives/experts Member

- Functions of District Level Committee
5. (1) The District Level Committee shall prepare a Schedule of water bodies within the Master Plan area within three months from the date of commencement of this Act,
- (2) In preparing the Schedule, the District Level Committee shall,
- (i) utilize available resources like Bhuvan Geo Platform developed by Indian Space Research Organisation and Water Body Census Report published by Ministry of Jalshakti, Government of India;
- (ii) consult the Circle Office, District Forest Office, and other concerned Local Authorities with names of the Water Body, dag nos., area covered, revenue circle etc.;
- (iii) prepare and execute plan for protection, preservation, development of the water bodies;
- (iv) ensure no construction zone within a buffer around the Water Bodies as prescribed in the Notified Master Plan and Assam Unified Building Construction (Regulation) Bye law, 2022;
- (v) any other function as may be directed by Government.
- Procedure of preparation of Schedule
6. (1) The District Level Committee shall prepare the Schedule of water bodies within the Master Plan Area in consultation with all the relevant district level offices.
- (2) The District Level Committee shall forward the draft Schedule of water bodies to the State Government.
- (3) The State Government on receipt of the Schedule of Water Bodies shall publish the same in the manner as may be prescribed inviting objections, suggestions and representations, if any, to be submitted before the Deputy Director or Assistant Director of Town and Country Planning within a period of not more than one month.
- (4) After considering all objections, suggestions and representations that may have been received, from Deputy Director or Assistant Director of Town and Country Planning, the District Level Committee shall finalize the Schedule of the water bodies and shall submit the same to the State Government for placing it before the State Level Committee.
- (5) The State Level Committee after considering the draft Schedule shall give approval to the Schedule and thereafter the State Government shall publish the Schedule in the Official Gazette.
- Constitution of State Level Committee
7. The State Level Committee shall be constituted with the following members, namely :-
- (i) Minister-in-Charge, Department of Housing and Urban Affairs Chairman
- (ii) Senior most Secretary, Department of Housing and Urban Affairs Vice Chairman
- (iii) Senior most Secretary or his nominee, Water Resource Department Member

(iv)	Senior most Secretary or his nominee, Panchayat & Rural Development Department	Member
(v)	Senior most Secretary or his nominee, Finance Department	Member
(vi)	Senior most Secretary or his nominee, Revenue and Disaster Management Department	Member
(vii)	Senior most Secretary or his nominee, Environment and Forest Department	Member
(viii)	Chief Executive Officer, Guwahati Metropolitan Development Authority	Member
(ix)	Commissioner, Guwahati Municipal Corporation	Member
(x)	Senior most Secretary or his nominee, Science and Technology Department	Member
(xi)	Director, North East Space Application Center	Member
(xii)	Three subject matter experts to be co-opted	Member
(xiii)	Director, Town and Country Planning	Member Secretary

Functions of
the State level
Committee

8. The functions of the State Level Committee shall be the following, namely :-
- (i) to examine and finalize the Schedule of Water Bodies submitted by the District Level Authority;
 - (ii) to take measures or make an order to stop, prevent any unauthorized development project in, or unauthorized use of or an unauthorized act on the water bodies;
 - (iii) to direct to take necessary steps for regulation, control, protection, cleaning, beautification, conservation, reclamation, regeneration, restoration and construction of the water bodies;
 - (iv) to approve projects and schemes for preservation, protection, restoration, rejuvenation, conservation, regulation and maintenance of water bodies falling within the notified Master Plan areas;
 - (v) to advise on the water bodies for ascertaining its suitability for appropriate uses;
 - (vi) to call for relevant records and documents and information from any Department, organisation or local body for any purpose of this Act;
 - (vii) to direct the District Committee,
 - (a) to carry out detailed survey and prepare integrated plan for development of water bodies and to remove encroachment;
 - (b) to make environmental impact assessment;

- (c) to develop infrastructure such as pumping machinery, channels etc. for utilization of water bodies;
- (viii) any other act as the Committee considers necessary, conducive or incidental directly or indirectly to achieve the purpose of the Act.
- Directions by the State Government 9. The District Level Committee and State Level Committee shall be guided, in performance of their functions by such directions as may be given from time to time by the State Government :
- Provided that, no such directions shall be inconsistent with any provision of this Act.
- Power to include any area in or enlarge any area of water bodies 10. (1) The State Government may, if it is of opinion that it is necessary or expedient in the public interest so to do, by notification include any area in or enlarge any area of water bodies within the Master Plan Area and thereupon Schedule shall be deemed to have been amended accordingly.
- (2) Every notification issued under sub-section (1) above shall, as soon as may be after it is issued, be laid before the State Legislature.
- Meetings of District Level Committee and State Level Committee 11. (1) The District Level Committee and State Level Committee shall meet once atleast in three months. The presence of two-third majority shall be required to form the quorum.
- (2) All orders and decision of the Committees shall be authenticated by the Chairperson or by such other person as shall be authorised in this behalf by the Chairperson.
- Declaration and Notification of water bodies 12. Notwithstanding anything contained in any other laws enacted by the State Legislature which are for the time being in force,
- (i) the areas of land as specified in the Schedules I, II, III, IV, V and VI of this Act shall be the water bodies in respect of the Guwahati Master Plan area;
- (ii) the Schedule of water bodies prepared by the District Level Authority and recommended by the State Level Committee after due consideration of the same as per section 6 shall be notified as waterbody as defined under clause (d) of section 2 of this Act.
- Dissemination of the detail of Water Bodies 13. (1) The State Government shall host and maintain a GIS based public Web Portal wherein all the details of the notified Water Bodies shall be uploaded from time to time for wide publication and dissemination.
- (2) The Web Portal shall be so designed to provide detailed information of the schemes or projects to be undertaken or proposed in the waterbody to enable active community participation and citizens' engagement;
- Prohibition of allotment of land identified as water bodies 14. The Government shall not allot or initiate any action for allotment of any land identified as waterbody to any person or Government or Private institutions without prior approval from the State Level Committee constituted under section 7 of this Act.

- Prohibitions in the Use of Land
15. No person after the commencement of this Act shall ,-
- (i) undertake any activities including filling up of water bodies which may cause physical or biological or chemical damage or reduce the size of the water bodies or cause harm to its aquatic life;
 - (ii) construct or erect any structure in the water bodies either Concrete or RCC or Iron except nature based solutions; occupy any waterbody and or part thereof or cause any obstruction in the natural and normal course of inflow and outflow of water into or from the waterbody upstream or downstream without permission of Authority :
 Provided that the Water Resource Department of the State Government may construct sluice gate or flood control structures on such water bodies;
 - (iii) dump or throw debris, waste materials or garbage into and around the water bodies;
 - (iv) do any other act which is detrimental directly or indirectly to the water bodies.
- Penalty
16. (1) Whoever fails to comply with or contravenes any of the provision of this Act or rules made thereunder shall be guilty of an offence which shall be punishable with imprisonment for a term which may be extended up to three years or with fine which may extend up to one lakh rupees or with both;
- (2) In addition to the punishment given under sub-section (1) above, the person shall have to restore the waterbody to its original status and shape;
- (3) A person who abets any of these offences as aforesaid shall be liable for the same punishment as provided for the offence;
- (4) The offences committed under this Act shall be treated as cognizable offence and non- bailable.
- Taking up Developmental Schemes
17. The Deputy Director or Assistant Director of concerned District Office of Town and Country Planning or any other Authority, in consultation with the District Commissioner and with prior approval of the Government, may take up project or scheme for better management, preservation and conservation of such water bodies which are so declared under the provisions of this Act.
- Budget and Funding
18. (1) A separate Budget provision shall be made by the State Government for implementation of the schemes and projects identified under the provisions of this Act on recommendation of the State Level Committee.
- (2) The District Committee while implementing the schemes and projects shall with prior approval from Government,
- (i) receive grants, donations and contributions from private entity;
 - (ii) receive Corporate Social Responsibility Fund from private and public sector organisations.

Protection of Action taken in good faith	19.	(1) No suit, prosecution or other legal proceedings shall lie against any officials of the Committee 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 or 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	20.	The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.	
Power to remove difficulties	21.	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.	22.	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, the provisions of this Act shall have effect in the areas declared and notified under this Act.	Assam Act No. V of 2007
Repeal and savings	23.	(1) The Guwahati Water Bodies (Preservation and Conservation) Act, 2008 is hereby repealed.	Assam Act No XX of 2008
		(2) Notwithstanding such repeal, anything done or any action taken under the said Act shall be deemed to have been validly done or taken under the corresponding provisions of this Act.	

Schedules of waterbodies

Guwahati Master Plan area

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,

West-dag numbers-

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
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.

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 numbers-

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 1Madghoria village.
(C).	
Revenue Village:	No. 1 Madghoria
All land 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-	PWD 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. 1Madghoria village.

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 numbers:	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: Revenue Village: All land of dag Numbers-	Jalukbari Dakhin Jalukbari. 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.
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.

SCHEDULE-V
(BONDAJAN)

Schedule of land:

District:	Kamrup (Metropolitan) District.
Mouza:	Beltola.
(A.)	
Revenue Village:	Birkuchi.
All land of dag numbers:	37, 111, 1, 313, 111/314, 33 and 173.
(B.)	
Revenue Village:	Mathgharia
All land of dag numbers:	182,183
(A.) and (B.) Bounded By-	
North-	Bondajan
South-	Oil India
East-	Assam Carbon
West-	Housing Colony

SCHEDULE-VI
(BONDAJAN)

Schedule of land:

District:	Kamrup (Metropolitan) District.
Mouza:	Beltola.
(A.)	
Revenue Village:	Bonda
All land of dag numbers:	253/411, 252, 253 and 168
(A.) Bounded By-	
North-	PWD Road
South- dag numbers :	289 and 290 of Birkuchi Village
East- dag numbers :	240, 255, 254 and 288
West-	patta land of Marias Public School and Village Matgharia.

GEETANJALI DAS SAIKIA,
Secretary to the Government of Assam,
Legislative Department, Dispur, Guwahati-6.