

The Orissa Aerial Ropeways Rules, 1959

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Rule THE-ORISSA-AERIAL-ROPEWAYS-RULES-1959 of 1959

- Published on 2 January 1960
- Commenced on 2 January 1960
- [This is the version of this document from 2 January 1960.]
- [Note: The original publication document is not available and this content could not be verified.]

The Orissa Aerial Ropeways Rules, 1959 Published vide Notification No.14-IIM-179/59-R, Dated the 2nd January 1960, Published vide Orissa Gazette Extraordinary No. 423 dated.

4.5.1960 No.14-IIM-179/59-R - In exercise of the powers conferred by Section 24 of the Orissa Aerial Ropeways Act, 1957 (Orissa Act 22 of 1957), the State Government do hereby make the following rules, the same having been previously published as required by Sub-section (1) of Section 24 of the said Act, namely :

1.

These rules may be called the Orissa Aerial Ropeways Rules, 1959.

2.

In these rules, unless there is anything repugnant in the subject or context -(a)"The Act" means the Orissa Aerial Ropeways Act, 1957 (Orissa Act 22 of 1957);(b)"Permanent structure" means a structure such as pit-head engine house, boiler house, Electrical and Mechanical installations and masonry buildings;(c)"Mine" means a mine as defined in Section 2 of the Mines Act 1952 (35 of 1952).

3.

No person shall remain under the ropeway while carriers are moved.

4.

No person shall ride on an aerial ropeway without the written permission of the promoter or his representative; and permits to ride on a ropeway shall be granted only to persons employed in lubricating, repairing or inspecting the ropeway.

5.

Person travelling on a ropeway for the purpose of inspection, lubrication or repairs shall be securely fastened to the carriers.

6.

No person shall undertake repairs to the machinery or the line while the rope is in motion.

7.

No unauthorised person shall enter a ropeway station or climb up the posts carrying the rope.

8.

Where in an owner's premises there is a risk of a carrier or its contents falling on any persons, such adequate arrangements for safety from such risk, as the Inspector thinks necessary, shall be made; Under Clause (b) of Sub-section (2) of Section 24.

9.

The Inspector will be the technical adviser to the Government of Orissa, and his duty shall be to inspect the ropeways at least once a year and to advise the Government regarding works of public safety and convenience and general working of the ropeways and such other matters as may be referred to him. Under Clause (c) of Sub-section (2) of Section 24.

10.

No licence to construct an aerial ropeway directly or within a lateral distance of 150 feet of any permanent structure situated on land (or mineral property) not belonging to the intending promoter shall be granted by the State Government save on the following conditions; (a) that the promoter satisfies the State Government that the construction of the ropeway on the proposed alignment is unavoidable; and (b) that such safeguards are provided as may, in the opinion of the State Government, be necessary to prevent danger to such structure and injury to any persons lawfully using or employed in such structure.

11.

In determining the compensation to be paid by the promoters under Section 8 of the Act, the Collector shall take into consideration any damage caused to any permanent structure standing on the land not belonging to the promoter on which it is proposed to construct or work on aerial ropeway or any interruption or interference with the getting of minerals from such land caused by the construction or working of such ropeway.

12.

If the owner, agent or a manager of a mine intends to extend any mining operations under his control at or to any point within 50 yards of any ropeway, he shall, not less than 60 days before commencing to carry out his intention, give a notice in writing to the State Government in the Works Department and the promoter of the ropeway.

13.

If the operations in respect of which notice is given under Rule 12 are not commenced within twelve months from the expiry of the period of 60 days mentioned therein, the notice shall be given by the owner, agent or manager of the mine, under Rule 12.

14.

The notice to be given under Rule 12 shall specify the position of the workings of the mine in relation to the ropeway in question, the manner in which it is proposed to carry out the intended new operations, the limits to which it is proposed to carry out the said operations, and shall state whether the operations are actually in progress, and shall include a plan showing the existing and the intending mining operations in so far as they affect the ropeway in question. Under Clause (d) of Sub-section (2) of Section 24.

15. Compensation for damage.

- If any person or owner, agent or manager of a mine sustains damages due to construction of an aerial ropeway or a realignment thereof, who, but for passing of this Act, will be entitled to compensation, may prefer his claim for such compensation to the Collector of the District at any time within twelve months after execution of the work by which he is damaged and the Collector thereupon shall report the case for the orders of the superior Revenue authorities. If the claim be rejected, the claimant shall not be deprived, by reason of the Act, of any right which he might otherwise have had to recover such compensation by civil action; but such action shall not lie unless the claimant shall have first preferred his claim to the Collector within the period above mentioned, nor unless the suit be brought within a period of one year after notice to the claimant of its rejection. If the claim for compensation be admitted by the Revenue authority, and the amount of compensation cannot be agreed upon, the same shall be settled by arbitration in the manner hereinafter provided, and in no other manner, unless by the consent of the claimant and of the superior Revenue authority. (i) Appointment of arbitrators - Unless the Collector and the claimant concur in the appointment of a single arbitrator/ the Collector on the part of the Government, and the claimant, shall each appoint an arbitrator, the appointment shall - be in writing, and neither of the said parties shall have power to revoke the same without the consent of the other. (ii) Arbitrator how chosen when there are several claimants for compensation - If there be several claimants for compensation in respect to the same injury, and they cannot agree in the appointment of an arbitrator on their behalf, in that case each of them may nominate one person, and the Collector

shall choose by lot out of the persons so nominated by the parties or any of them a person to act as arbitrator on behalf of the claimants. If only one person shall be so nominated, he shall be the arbitrator on behalf of the claimants. (iii) Appointment of 3rd arbitrator - When more than a single arbitrator shall be appointed, the arbitrator shall, before they enter upon the matters referred to them, nominate and appoint by writing a third person to act with them as arbitrator, and, in case the arbitrator for a period of seven days after having been required so to do, the Collector may appoint such third arbitrator. If the arbitrators differ in opinion, or if one of them, having received due notice of a meeting of arbitrators, neglects to attend, any two arbitrators may make an award. (iv) Appointment in place of arbitrator not acting - If any person, on, being appointed as arbitrator, shall refuse to act, or after accepting the appointment, shall die or become incapable of acting, another person shall be appointed in his stead, in the same manner in which the first person was appointed. (v) Collector empowered to enforce attendance of arbitrators - After the arbitrators have accepted the appointment, the Collector shall be competent to exercise, towards them, such powers and authority, for securing their attendance and the due completion of their award, as the said Collector may legally exercise towards witnesses summoned before him when acting judicially for the purposes of compelling them to attend and give evidence. (vi) In default of award within specified period, fresh arbitrator may be chosen - If no award be made within a period to be fixed for that purpose by the Collector, he may order that the matter shall be referred to another arbitrator or other arbitrators to be chosen in the same manner and subject to the same rules as the first. (vii) Collector to furnish information to arbitrators and to enforce attendance and examination of witnesses; etc., - The Collector shall furnish to the arbitrators, or so far as may be in his power, procure for them, any information which his records or those of any public department may afford, connected with the subject of enquiry. He shall, on the application of the arbitrators, summon any witness whom the arbitrators may call for, and whom the party may not be able to produce before them without such process, and require the persons so summoned to bring and produce before them, all such books papers, deeds, writings, maps and plans as they shall require. He shall also cause the proper affirmation to be made and signed by any witness whom the arbitrators may desire to examine upon affirmation, or he may empower the arbitrators to cause such affirmation to be made and signed before them. (viii) Penalty on witness not appearing - Any witness, who shall refuse or omit to appear when duly summoned by the Collector, or who shall appear but shall refuse to make such affirmation, or who shall refuse to give evidence, shall be liable to the same punishment which would be incurred under the law by witness refusing to appear or give evidence before the Collector when acting judicially. (ix) Penalty for false deposition - Any person giving intentionally or deliberately a false deposition under an affirmation, in any case referred to arbitration as above, shall be held to be guilty of perjury and shall be liable to the penalties prescribed for that offence by law. (x) Award of Arbitration - On the close of the inquiry the Arbitrators shall deliver a full and complete award, which shall specify the amount of compensation and the party or parties entitled thereto. The proceedings of the arbitration shall be deposited in the Collector's office and every party interested therein shall be entitled to a copy of the award on plain paper under the seal and signature of the Collector, which copy shall be prima facie evidence thereof. (xi) When payment of compensation may be refused - If the right to the compensation shall, in any case be doubtful, or if there exist any grounds which, in the Judgement of the arbitrators or of the Collector, render it improper to make immediate payment thereof to any of the claimants the amount shall be invested in Government securities, and held on deposit until one of the claimants shall obtain an order of

Court for the payment thereof.(xii)Reversal or alternation of Award - No award passed under this Rule shall be liable to be reversed or altered, except by the decision of a Civil Court on the ground of corruption or misconduct of the Arbitrators, and no suit to set aside such an award shall be entertained, unless it be instituted within three months from the date of award.In case the award shall be so reversed, the matter shall be referred to another Arbitrator or other Arbitrators to be appointed in the same manner as the first.(xiii)Dismissal of suits against the Government - All suits and proceedings instituted against the Government in any case in which compensation has been awarded except suits instituted for the reversal of awards as aforesaid shall be dismissed with costs.But nothing herein contained shall affect the right of any party to recover the amount awarded from any person who may have received the same without any just title thereto.(xiv)Estimated value of benefit to be set off against the compensation awarded - In fixing the amount of compensation to which any person may be entitled by reason of any of the acts mentioned in Rule 15 the Court or Arbitrators, as the case may be, shall take into consideration whether any party to the suit or arbitration has derived or will derive benefit from the act in respect of which the compensation is claimed and shall set off the estimated value of such benefits, if any, against the compensation which would otherwise be decreed or awarded to that party.(xv)Exception of cases of compensation in respect of huts, trees or crops - The provision of this rule shall not be held applicable to cases in which the compensation to be made, has reference only to huts, trees, or crops which it may be necessary to remove or destroy in constructing or changing the aerial,ropeway.In all such cases the Collector shall thereupon proceed to value and make compensation for such huts, trees or crops.Under Clause (e) of Sub-section (2) of Section 24.

16.

When a ropeway passes over a public road or a railway on which passengers are carried, a bridge under the ropeway shall be provided and maintained by the promoter, and such bridge shall be so constructed as to prevent persons from being endangered by anything taking from the ropeway. The minimum clearance under the bridge shall be 16 feet or any minimum dimension that can be prescribed by the road or railway authority.

17.

Where a ropeway passes over a railway, tramway, canal or navigable river the minimum clearance under the load shall ordinarily be 16 feet. The State Government however may require the clearance to be such an extent as they think necessary.Under Clause (f) of Sub-section (2) of Section 24.

18.

A ropeway shall be so aligned that in no circumstances shall a bucket of carrier be able to foul any post, structure, building, tree, telegraph or telephone line, electric supply line or another carrier. The minimum clearance shall be not less than 5 feet except in the case of any post or structure forming part of the ropeway in which case the minimum clearance shall be not less than 18 inches and assuming a maximum wind pressure of 30 lbs. per square foot acting on a direction horizontal to the carrier, the maximum swing shall not exceed on either side.

19.

A ropeway shall be constructed with minimum factors of safety as follows :

Ropes	Minimum factor of safety at the point of maximum stress
Mono cable	5
Bi-cables	—
Carrying rope	4
Hauling rope	5
Structural steel work	4
Other ropeway fittings	5

Trestles foundations must be sufficiently large to give a moment 50 per cent greater than the overturning moment due to a wind pressure of 15 lbs. per square foot on the aerial line supports and 30 lbs. per square foot on aerial ropeway supports. For tall trestles guy ropes may be used.

20.

Station gear and trestles sheaves shall be so designed that lubrication can be performed safely whilst the rope way is in motion.

21.

The clearance between the carriers on a ropeway and the ground shall not be less than 8 feet except at stations, which shall be so fenced as to prevent danger.

22.

All carriers shall be provided with appliances which prevent the container from discharging its contents except at points when it is intended to discharge them.

23.

Reliable devices, approved by the Inspector, for signalling between the stations terminal and junction stations shall be provided.

24.

A competent person appointed by the promoter or his representative, shall daily inspect all posts, ropes, machinery, gear and other appliances, and shall record in a book to be kept for the purpose a true copy of inspection stating what defects, if any, were noticed.

25.

The ropeway shall not be worked unless the posts, rope, machinery, gear and other accessory appliances are in proper order.

26.

For the purpose of giving signals on the ropeway the owner or his representative shall appoint in writing persons to give signals, and shall satisfy himself. They are competent to give the signals and are familiar with the code of signals in use. Under Clause of Sub-section (2) of Section 24.

27.

If the owner, agent or manager of a mine intends to extend any mining operation under his control at or to any point within 50 yards of any ropeway he shall, not less than 60 days before commencing to carry out his intention give a notice in writing to the State Government in the Public Works Department and the promoter of the ropeway.

28.

If the operations in respect of which notice is given under the foregoing rule are not commenced, within twelve months from the expiry of the period of 60 days mentioned therein, the notice shall be held to have expired, and a fresh notice shall be given by the owner, agent or manager of the mine, under Rule 27.

29.

The notice to be given under Rule 27 shall specify the position of the workings of the mines in relation to the ropeway in question, the manner in which it is proposed to carry out the intended new operation, the limits to which it is proposed to carry the said operations, and shall state whether the operations are actually in progress, and shall include a plan showing the existing and intended mining operations in so far as they affect the ropeway in question. Under Clause (h) of Sub-section (2) of Section 24.

30.

Every intending promoter, other than the State Government, making an application under Sub-section (1) of Section 4 of the Act shall pay a fee of Rs. 1,000 (One thousand rupees) only unless such fee is remitted wholly or in part by a general or special order of the State Government.

31. A promoter, other than the State Government, shall pay a fee of.

-(a)Rs. 100. (One hundred rupees) only for every mile or part of a mile of its ropeway for every inspection under Section 11 of the Act subject to a maximum of Rs. 400 (Four hundred rupees) only in each case; and(b)Rs. 50 (Fifty rupees) only for every mile or part of its ropeway for every periodical inspection under Section 12 of the Act subject to a maximum of Rs. 200 (Two hundred rupees) only in each case :Provided that if any inspection referred to above, for which the fee prescribed in this rule has been paid/is made in any year, no fee shall be charged for a second or subsequent inspection made in that year unless such further inspection is made on an application by the promoter or is necessary as a result of the extension or alteration of the ropeway or is, in the opinion of the Inspector necessitated by a breach of any of the provisions of the Act or of the rules thereunder or by the neglect or failure of the promoter to carry out, within the stipulated time, any written order of the Inspector.

32.

Ail fees payable under Rules 30 and 31 shall be paid into a Government treasury and credited to the head "XXXIX-Civil Works Miscellaneous", the treasury receipt being submitted to the State Government unless otherwise directed by special or general order of the State Government.Under Clause (i) of Sub-section (2) of Section 24.

33.

When an accident of the description contained in Section 16 of the Act occurs on or about a ropeway, the promoter of the ropeway or his agent or manager shall in addition to any notice required under any other Act within twenty-four hours of the occurrence of such accident, give a written notice of the accident to the State Government in the Public Works Department and to the Inspector, if an Inspector has been appointed. The notice shall state the name, sex and occupation of persons killed or injured, if any, the nature of the injury, and if fatal, the cause of death, the date and hour of the accident occurred.Under Clause (j) of Sub-section (2) of Section 24.

34.

Accidents of nature described in Section 16 of the Act shall be jointly enquired into by a Committee consisting of the Promoter's servants, a police officer, a Magistrate and the Inspector, and a report shall be submitted to Government by such Committee. When an accident of the nature as described in Section 16 has occurred it shall be the duty of the promoter's servants to afford medical aid to the sufferers and to see that they are properly and carefully attended to till they are removed to their homes or handed over to the care of the relatives or friends. The nearest Local Medical Officer should be communicated with. When an enquiry is being made the promoter shall produce before the Committee all his servants whose evidence is likely to be required. Whenever the report of the Committee or of the Inspector points to the necessity for or suggests a change in any rules or in the system of working, promoter shall when acknowledging the report, intimate the action which has

been taken for which it is proposed to take to prevent the recurrence of similar accidents.

35.

Whenever an accident of the nature described in Section 16 has occurred in the course of an aerial ropeway the District Magistrate or any other Magistrate who may be appointed in this behalf by the State Government may direct an investigation into the causes which led to the accident to be made by a subordinate Magistrate or by the Police. When it is decided to make an enquiry the Magistrate or Police Officer so deputed shall proceed to the scene of the accident and conduct the enquiry there and shall at once advise the promoter and the Inspector of the date and hour at which the enquiry will commence. The Magistrate or Police Officer may summon any of the promoter's servants and any other person whose presence he may think necessary and after taking the evidence and completing the enquiry shall forward a copy of the report to the promoter and to the State Government.

36.

A Police Officer may make an investigation into the causes which led to any accident occurring in the course of the working of an aerial ropeway as contemplated in Section 16, provided no such investigation is made when an enquiry has been commenced or ordered by the Magistrate. Under Clause (k) of Sub-section (2) of Section 24.

37.

Notices under this Act shall be served by registered post.