

Rajasthan Ropeways Act, 1966

RAJASTHAN

India

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Act 18 of 1997

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Rajasthan Ropeways Act, 1966(Act No. 18 of 1997)[Published in Rajasthan Raj-Patra Part IV-A, dated October 15, 1997, Page 15(19)][Received the assent of the Governor on 13th day of October, 1997.]An Act to authorise, facilitate and regulate the construction and working of ropeways in the State of Rajasthan.Be it enacted by the Rajasthan State Legislature in the Forty- eight Year of the Republic of India, as follows:-Chapter-I Preliminary

1. Short title, extend and commencement.

(1)This Act may be called the Rajasthan Ropeways Act, 1996.(2)It extends to the whole of the State of Rajasthan.(3)It shall come into force on such date as the State Government may, by notification in the Official Gazette, appointed in this behalf.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context,-(a)"Carrier" means any vehicle or receptacle hung or suspended from, or hauled by a rope and used for the carriage of passengers, animals or goods or for any other purpose in connection with the working of a ropeways;(b)"Chief Inspector" and "District Inspector" mean the persons appointed under this Act respectively to be the Chief Inspector of Ropeways for the State and the Inspector of Ropeways for a District;(c)"Circle", in relation to a local authority, means the area within the control of the local authority;(d)"Collector" means the Collector as defined in the Rajasthan Tenancy Act, 1955 (Rajasthan Act No. 3 of 1955) and shall include an officer, not below the rank of a Sub-Divisional Officer as defined in the aforesaid Act, appointed by the State Government to perform the functions of a Collector under this Act;(e)"Government" or "State Government" means the State Government of Rajasthan;(f)"License" means a license authorising the construction of a ropeway under this Act and includes a license authorising the continuance of the working of a ropeway existing immediately before the commencement of this Act as also any license substituted for, or amending or extending any such license;(g)"Local authority" means an institution of self-government established by or

under an Act of the State Legislature, whether for a rural or an urban area, and includes any other authority legally entitled to, or entrusted by the government with, the control or management of a municipal or local fund;(h)"post" means a post, trestle, standard, strut, stay or other contrivance or part of a contrivance for carrying, suspending or supporting a rope;(i)"prescribed" means prescribed by rules made under this Act;(j)"promoter" means-(i)the State Government,(ii)a local authority,(iii)any person, or(iv)any body corporate firm or any society registered under the provisions of any law for the time being in force,to whom a license has been granted under section 10 or under subsection (2) of section 5 or on whom the rights and liabilities conferred and imposed on the promoter by this Act, as to the construction, maintenance and use or working of a ropeway, have developed;(k)"public ropeway" means a ropeway used for public carriage of passengers, animals or goods or any of them;(l)"rate" includes any fare, charge, or other payment for the carriage of passengers, animals or goods;(m)"rope" includes any cable, wire, rail or way, whether flexible or rigid, used for suspending, carrying or hauling a carrier;(n)"ropeway" means a ropeway used for a public or private carriage of passengers, animals or good or any of them and includes posts, ropes, carriers, stations, offices, warehouses, workshops, machinery and, where the wheels of carriers are made to run on the rails laid on the surface of the earth, such rails as well as any such other works as are used for the purposes of, or in connection with, such ropeway and all land appurtenant thereto;(o)"State" means the State of Rajasthan; and(p)"undertaking" means all movable and immovable property of the promoter suitable to and used by him for the purposes of a ropeway.

3. Licensing Authority.

- The Authority having power to grant licenses under this Act (hereinafter referred to as the Licensing Authority) shall be the District Magistrate having territorial jurisdiction appointed as such under the provision of section 20 of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974.)

4. Appointment of certain Inspectors and subordinate officers and servants and their powers and duties.

(1)The State Government may appoint such person to be the Chief Inspector of the Ropeways for the State (hereinafter referred to as the Chief Inspector and such person to be the Inspector of Ropeways for a District (hereinafter referred to as the District Inspector) as it deems fit and may fix the fees to be charged to promoters for the performance by them of their duties under this Act.(2)The Chief Inspector and the District Inspector shall exercise such powers and perform such functions and duties as may be provided by or under the provisions of this Act It shall also be the duty of any such Inspector from time to time and at least once a year in the case of the Chief Inspector and once a quarter in the case of the District Inspector to inspect the ropeways and to determine whether they are maintained in a fit condition and worked with due regard to the convenience and safety of the persons using them and of the general public, and consistently with the provisions of this Act.(3)The Chief Inspector and the District Inspectors shall, for the purpose of any of the duties which they are authorised or required to perform under this Act, be deemed to be public servants as defined in the Indian Penal Code, 1860 (Central Act 45 of 1860).(4)The promoter

and his servants and agents shall afford to the Chief Inspector and the District Inspector all reasonable facilities for performing the duties and exercising the powers imposed and conferred up on them by or under this Act.(5)The State Government may also appoint other subordinate officers and servants with such designations and assign to them such powers, duties and functions as may be necessary for carrying out the purposes of this Act.

Chapter-III Procedure and Preliminary Investigation

5. Unauthorized construction, maintenance, etc. of Ropeways prohibited.

(1)No ropeway shall be constructed, opened, maintained or worked except in accordance with the provisions of this Act.(2)Notwithstanding anything in sub-section (1), any person by whom a ropeway was, in any part of the State, being worked immediately before the commencement of this Act, whether for public, private or industrial purpose may, on an application being made by him in this behalf and after such inquiry as may be considered necessary, be, by license, authorised to continue the working of such ropeway subject to such restrictions and conditions as may, for the purpose of bringing the working of such ropeway, as far as may be, into accord with the provisions of this Act, be specified in the license.(3)The application under sub-section (2) shall, within a period of thirty days from the date of commencement of this Act, be made to the Licensing Authority in such form and manner and with such technical or other details regarding the concerned ropeway as may be prescribed.(4)Any person aggrieved by an order refusing to grant a license under sub-section (2) or by any other otherwise made under that sub-section may, within a period of sixty days of the date of the order appealed against, prefer an appeal to the State Government which may pass such order as it deems necessary.(5)Nothing contained in sub-section (1) shall affect the continuance of the working of the ropeways referred to in sub- section (2) during the period within which an application under that sub-section may be made or, where such application has been made, upto the date the order granting or refusing to grant a license under that sub-section becomes final.

6. Application for permission to undertake investigations.

- Every application by an intending promoter other than the State Government for permission to undertake the necessary preliminary investigations in regard to a proposed ropeway shall be submitted to the licensing authority.

7. Contents of applications.

(1)Every application to be made under section 6 shall contain all the information relevant to the proposed ropeway and may include-(a)a description of the undertaking and of the route to be followed by the proposed ropeway;(b)a description of the system of construction and management and of the advantages to the community to be expected from such ropeway;(c)an estimate of the cost of construction thereof;(d)a statement of the estimated working expenses and profits expected;(e)a statement of the maximum and minimum rates which it is proposed to charge; and(f)such maps, plans, sections and diagrams as may be prescribed and such other information as the licensing authority may require in order to form an idea of the proposal.

8. Sanction to preliminary investigations.

(1)The Licensing Authority or, where the immovable properties not belonging to the intending promoter are involved, the State Government may, subject to the provisions of this Act and of the Land acquisition Act. 1894 (Central Act 1 of 1894), accord sanction to the intending promoter to make such surveys as may be necessary.(2)Before according sanction under sub-section (1), the Licensing Authority or, as the case may be, the State Government may also require the intending promoter to submit such detailed estimates, plans, sanctions and specifications and such further information as it may think necessary for the full consideration of the proposal.(3)The intending promoter shall not be entitled to claim any compensation from the State Government for any expenses incurred under this section in the event of his application being refused.Chapter-IV
Licenses Authorising the Construction of Ropeways

9. Publication of proposed license authorising construction and contents of such license.

(1)The Licensing Authority may, on an application being made by any intending promoter, and after due consideration of the details supplied in accordance with sub- section (2) of section 8, publish in any two daily newspapers circulating in the State out of which at least one shall be in the regional language, a draft of the proposed license authorising the construction by, or on behalf of, such promoter, subject to such restrictions and conditions as the Licensing Authority may think proper, of a ropeway within any area, or along any route specified in such license-(a)for the public carriage of passengers;(b)for the public carriage of passengers and goods;(c)for the public carriage of animals and goods;(d)for the public carriage of passengers, animals and goods; or(e)for any private or industrial purpose.(2)A Notice shall be published with the draft license stating that any objection or suggestion which any person may desire to make with respect to the proposed license will, if submitted to the Licensing Authority within a period of thirty days from the date of the notice be received and considered by it.(3)The Licensing Authority shall also cause public notice of the intention to grant the license to be given at conspicuous places within the said area or along the said route, and shall, so far as may be possible cause a like notice to be served on every owner or occupier of land over which such route lies, and shall consider any objection or suggestion, with respect to the proposed license, which may be received from any person within the period specified in sub-section (2) and take decision thereon.(4)The draft of the proposed license shall contain such details of the proposed ropeway as may be prescribed.

10. Grant of license.

(1)If, after considering any objections or suggestions which may have been made in respect to the draft before the expiry of the period specified in sub-section (2) of section 9, the Licensing Authority is of opinion that the application should be granted with or without modifications, or subject to any restrictions or conditions, he shall grant a license accordingly.(2)Every license authorising the construction of a ropeway granted under sub-section (1) shall, in such form as may be prescribed, be published in the official Gazette and such publication shall be conclusive proof that the license has

been granted as required by this section.

11. Cessation of powers given by license under section 10.

- If a promoter authorised by a license granted under section 10 to construct a ropeway does not, within the time specified in the license, make progress according to the schedule of progress approved by the Licensing Authority, the powers given to the promoter by such license shall, unless, on an application made by the promoter in this behalf, the Licensing Authority, extends the time so specified, cease to be exercised: Provided that in case the Licensing Authority rejects an application made under this section, he shall do so by an order made in this behalf and for reasons to be recorded in writing.

12. Revocation of license and grant of a further license.

(1) The Licensing Authority may, on the application of the promoter, by order, revoke the license subject to the terms and conditions of the license or amend or extend it by a further license. (2) An application under sub-section (1) for an amendment or extensions of the license shall be made in the same manner and subject to the same conditions as an application for license. (3) If the Licensing Authority grants the application, it shall, by order, revoke the license or, as the case may be, grant the further license in the same manner as a license except that the rights, powers and authorities asked for in the said application shall not be increased, modified or restricted by the further license without the consent in writing of the promoter. Chapter-V Inspection of Ropeways

13. Inspection of a ropeway before opening.

(1) No ropeway shall be opened for any kind of traffic until the Licensing Authority has, by order, sanctioned the opening thereof for that purpose. The sanction of the Licensing Authority under this section shall not be given until the Chief Inspector has reported in writing to the Licensing Authority.-(a) that he has made a careful inspection of the ropeway and appurtenances; (b) that the moving and fixed dimensions and such other conditions as may be prescribed have been complied with; (c) that the ropeway is sufficiently equipped for the traffic for which it is intended; (d) that due compliance of the rules and conditions of license has been made; (e) that in his opinion sufficient measures have been taken to prevent and control the pollution caused or likely to be caused by the working of the ropeway; and (f) that in his opinion the ropeway is fit for traffic and can be used without danger to those using it, or to the persons employed thereon, or to the general public. (2) The provisions of sub-section (1) shall extend to the opening of additional sections of the ropeway, to deviation lines, and to any alteration or reconstruction materially affecting the structural character of any work to which the provisions of sub-section (1) apply or are extended by this sub-section. The said provisions shall also extend to the continuance of the ropeways referred to in sub-section (2) of section 5. Chapter-VI Construction and Maintenance of Public Ropeways

14. Authority of promoter to execute works.

(1) Subject to the provisions of this Act the rules made thereunder, and in the case of immovable property not belonging to the promoter, to the provisions of any enactment for the time being in force for the acquisition of land for public purposes and for companies, a promoter may—(a) make such survey as he thinks necessary; (b) place and maintain posts in or upon any immovable property; (c) suspend and maintain a rope over, along or across any immovable property; (d) make such bridges, culverts, drains, embankments and roads, as may be necessary; (e) erect and construct such machinery, offices, stations, warehouses and other buildings, works and conveniences as may be necessary; and (f) do all other acts necessary for constructing, maintaining, altering, repairing and using a public ropeway: Provided that a promoter may take any action under clause (b) or clause (c), notwithstanding the objection of the owner or occupier of the property affected thereby if the Collector, after giving such owner and occupier by notice in writing, an opportunity of being heard, by an order in writing, permits such action. (2) When making an order under the proviso to sub-section (1), the Collector shall fix the amount of compensation, or of an annual rent, or of both, which should, in his opinion, be paid by the promoter to the owner of the property affected thereby or in the case of immovable property, to the owner or occupier thereof, or any person interested therein and the amount to be paid to each. The order so made shall also fix the date by which such amount of compensation or of the annual rent shall be paid and the actual payment of such amount of compensation or of the first annual rent shall be a condition precedent for execution of any works referred to in sub-section (1).

15. Temporary entry upon land for repairing or preventing accident.

(1) Subject to the rules made under this Act, a promoter or his duly authorised servant or agent may, at any time for the purpose of examining or repairing a public ropeway, or of preventing any accident, enter upon any immovable property adjoining such ropeway, and may do all such works as may be necessary for such purposes. (2) In the exercise of the powers conferred by sub-section (1), the promoter or his duly authorised servant or agent, as the case may be, shall cause as little damage as possible, and compensation shall be paid by him for any damage so caused; and in the case of any dispute as to the amount of such compensation, or the person to whom it shall be paid, the matter shall be referred to the decision of the Collector.

16. Removal of obstructions.

(1) When any tree standing or lying near a public ropeway, or where any structure or other object which he has placed or has fallen near such ropeway subsequent to the grant of a license under section 10 in regard to such ropeway, interrupts or interferes with, or is likely to interrupt or interfere with the construction, maintenance or use of such ropeway, the Collector may, on the application of the promoter after affording a reasonable opportunity of being heard to the person affected, cause the tree, structure or object to be removed or otherwise dealt with as he thinks fit. Explanation. - For the purpose of this sub-section, the expression "tree" shall be deemed to include any shrub, hedge, jungle growth or other plant. (2) When disposing of an application under, sub-section (1), the collector shall award to the person interested such compensation as the

Collector deems reasonable, and the Collector may recover such amount from the promoter as if it were an arrear of land revenue.

Chapter-VII Working of Ropeways

17. Promoter may fix rates.

- The promoter shall, for the purposes of working a public ropeway, and subject to such maximum rates as may be ordered by the Licensing Authority, have power, from time to time, to fix the rates for the carriage of passengers, animals or goods on the ropeway.

18. Reporting of accidents.

- Whenever any accident of a description attended with loss of human life or serious physical injury to any human being, or with serious injury to property occurs in the course of working of a ropeway, the promoter or any person authorised by him in this behalf shall forthwith-(i)inform and report the matter to the officer-in-charge of the police station in whose jurisdiction the site of the accident is situated;(ii)inform in writing to the Licensing Authority, the Collector and District Magistrate of the District in which the accident has occurred; and(iii)inform the nearest hospital or dispensary.

19. Power to close and reopen ropeways.

(1)If after inspecting any ropeway opened to traffic, the District Inspector is of opinion that the ropeway or any specified part thereof cannot be used without danger to the public or is no longer in a fit state for the carriage of any specified class of traffic, he shall state that opinion, together with the grounds therefor to the Licensing Authority, and the Licensing Authority after such further inquiry, if any, as he may think fit, may thereupon order that, for reasons to be set forth in the order, the ropeway, or the part thereof so specified, be closed to all traffic or to any specified class of traffic:Provided that in any case of extreme urgency, the District Inspector may order the suspension of the working of the ropeway or any part thereof which he considers necessary pending the order of the Licensing Authority, the District Inspector shall forthwith make a report of his order to the Licensing Authority who will make necessary order within a period of seven days.(2)When under sub-section (1), a ropeway or any part thereof has been closed to any traffic, it shall not be reopened to such traffic until it has been inspected and its reopening sanctioned, in the prescribed manner.

Chapter-VIII Discontinuance of Public Ropeways

20. Cessation of powers of promoter on discontinuance of public ropeway.

- If, at any time after the opening of a public ropeway, it is proved to the satisfaction of the Licensing Authority that the promoter has discontinued the working of such ropeway or of any part thereof; without a reason sufficient, in the opinion of the Licensing Authority to warrant such discontinuance the Licensing Authority may, if he thinks fit after affording a reasonable opportunity of being heard to the promoter, declare, by notification in the Official Gazette, that the powers of the promoter in respect of such ropeway or part thereof shall, from such date as it may determine, be at an end; and thereupon the said powers shall cease and determine.

Explanation. - The working of a

ropeway shall be deemed to have been discontinued if it has ceased for the period determined in the license published under section 10, or if the period has not been so determined, for a period of three months.

21. Powers of licensing Authority to remove a public ropeway on cessation of promoter's powers.

(1) When a declaration has been made by the Licensing Authority Under section 20 in respect of any public ropeway or of any part thereof, an officer appointed in that behalf by the Licensing Authority may at any time after the expiration of two months from the date determined as aforesaid, remove such ropeway or part thereof, as the case may be; and the promoter shall pay to the officer so appointed such costs of removal as shall be certified by that officer to have been incurred by him. (2) If the promoter fails to pay the amount of costs so certified within one month after the delivery to him of the certificate or of a copy thereof, such officer may, either by public auction or, with the written consent of the promoter, by private sale, and with due notice to the promoter but without prejudice to any other remedy which he may have for the recovery of the said amount, sell and dispose of the materials of the public ropeway or part thereof so removed; and may, out of the proceeds of the sale, pay and reimburse to himself the amount of costs certified as aforesaid and the cost of sale, and shall pay over residue (if any) of such proceeds to the promoter. Chapter-IX Appeals

22. Appeal to and revision by the State Government.

(1) All orders made by the Licensing Authority or the Collector under this Act except those which are made by the Collector under the provisions of the Land Acquisition Act, 1894 (Central Act No. 1 of 1894), shall be appealable within thirty days from the date of order and the appeal shall lie to the State Government. (2) Any appeal preferred under sub-section (1) shall normally be disposed of by the State Government within three months from the date of receipt of the appeal. (3) The State Government may, of its own motion, call for and examine the records of any proceedings for the purpose of satisfying itself as to the legality or propriety of any order made under this Act by the Licensing Authority or the Collector not being an award or order made or passed by the collector under the provisions of the Land Acquisition Act, 1894 (Central Act No. 1 of 1894) and if in any case it shall appear to the State Government that any such order should be modified, annulled or revised or remitted for reconsideration, the State Government may, after giving the party to be affected thereby a reasonable opportunity of being heard, pass such order thereon as it may deem fit. Chapter-X Supplementary Provisions

23. Protection of roads, railways and waterways.

- No promoter shall, in the course of the construction, repair, working or management of a ropeway, cause any permanent injury to any public road, railway, or waterway, if any, or a high tension power line or any other thing of a public utility service or obstruct or interfere with, otherwise than temporarily as may be necessary, the traffic on any public road, railway, or waterway. Chapter-XI Offenses, Penalties

24. Failure of promoter to comply with Act.

- If a promoter-(a)Constructs or maintains or works a ropeway otherwise than in accordance with the terms of a license granted under section 10 or under sub-section (2) of section 5; or(b)opens a ropeway or permits it to be opened in contravention of any of the provision of section 13; or(c)fails to comply with the provisions of sub-section (4) of section 4; or(d)works a ropeway existing immediately before the commencement of this Act in contravention of the provisions of section 5; or(e)fails to comply with the provisions of section 17; or(f)fails to send notice of any accident as required by section 18; or(g)fails to close a ropeway in accordance with an order passed under sub-section (1) of section 19 or reopens any ropeway in contravention of sub-section (2) of that section; or(h)continues to exercise the powers of a promoter in respect of any ropeway in contravention of the provisions of section 20; or(i)contravenes any of the provisions of section 23; or(j)contravenes the provisions of any rule made under section 26;he shall, without prejudice to the enforcement of specific performance of the requirements of this Act, or of any other remedy which may be obtained against him, be punishable with fine which may extend to one thousand rupees, and in the case of a continuing offense, to a further fine which may extend to two hundred and fifty rupees for every day after the date of the first conviction during which the offender is proved to have persisted in the offense.

Chapter-XII Delegation of Powers of, and Making of Rules by State Government

25. Delegation of the powers of the State Government.

- The State Government may, by notification in the Official Gazette, delegate all or any of the powers conferred on it by this Act, except that of making rules, to the Licensing Authority or to any other authority, to be exercised within such area and subject to such conditions as may be specified in the notification.

26. Power of the State Government to make Rules.

(1)The State Government may, after previous publication, make rules to carry out the purpose of this Act.(2)In particular, and without prejudice to the generality of the foregoing power, such rules may prescribe-(a)the power and duties of the Chief Inspector and the District Inspector appointed under section 4;(b)the accident of which notice shall be given to the Licensing Authority and to the District Inspector;(c)the duties of the promoter, promoter's servants and of police officers, and magistrate on the occurrence of an accident;(e)the manner in which notice under this Act shall be served;(f)the safe and efficient working of ropeways;(g)the conditions under which, and the manner in which, the powers conferred on promoters by section 14 and section 15 may be exercised;(h)the procedure for the disposal of application under subsection (2) of section 19 or reopen any ropeway or part thereof and the conditions under which such ropeway may be reopened;(i)the procedure for filing, hearing and disposing of appeals under this Act;(j)the fees to be charged to promoters and other persons in respect of licenses, application, inquiries, inspection, and services rendered under this Act;(k)the procedure for making, hearing and disposing of applications under this Act;(l)provision for fire fighting, first aid and other amenities; and(m)any other matter which is to be or may be prescribed under this Act.(3)All rules made under this section shall be published in the Official

Gazette.(4)Every rule made under this Act shall be laid, as soon as may be after it is made, before the House of the State Legislature while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the sessions aforesaid, the House makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.