

Manipur Ropeways Act, 2015

MANIPUR

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Act 5 of 2015

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Manipur Ropeways Act, 2015(Manipur Act No. 5 of 2015)Last Updated 19th February, 2020[Dated 05.05.2015]An Act to authorize, facilitate and regulate the construction and working of rope ways in the State of Manipur.Be it enacted by the Legislature of Manipur in the Sixty-sixth Year of the Republic of India, as follows :Chapter-I Preliminary

1. Short title, extent and commencement.

(1)This Act may be called the Manipur Rope ways Act, 2015.(2)It extends to the whole of the State of Manipur.(3)It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires -(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 ropeway;(b)"Chief Inspector" and "District Inspector" mean the persons appointed under this Act respectively to be the Chief Inspector of Rope ways for the State and the Inspector of Rope ways for a District;(c)"circle" , in relation to a local authority, means the area within the control of the local authority;(d)"Deputy Commissioner" means the Deputy Commissioner of the District or any officer appointed by the State Government to perform the functions of a Deputy Commissioner under this Act;(e)"State Government" means the State Government of Manipur;(f)"licence" means a licence authorising the construction of a ropeway under this Act and incudes a licence authorising the continuance of the working of a ropeway existing immediately before the commencement of this Act as also any licence substituted for, or amending or extending any such licence;(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)"Official Gazette" means the official

Gazette of Manipur State;(i)"post" means a post, trestle, standard, strut, stay or other contrivance or a part of a contrivance for carrying, suspending or supporting a rope;(j)"prescribed" means prescribed by rules made under this Act;(k)"promoter" means:(i)"the State Government;(ii)"a local authority;(iii)"any person;(iv)"any body corporate, firm or any society registered under the provisions of any law for the time being in force;(l)"public ropeway" means a ropeway used for public carriage of passengers, animals or goods or any of them.(m)"rate" includes any fare, charge or other payment for the carriage of passengers, animals or goods;(n)"rope" includes any cable, wire, rail or way, whether flexible or rigid used for suspending; carrying or hauling a carrier;(o)"ropeway" means a ropeway used for public or private carriage of passengers, animals or goods 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 as rails as well as any such other works as are used for the purpose of, or in connection with, such ropeway and all appurtenant thereto;(p)"State" means the State of Manipur; and(q)"undertaking" means all movable and immovable property of the promoter suitable to and used by him for the purposes of a ropeway.

Chapter-II Licensing Authority and Establishment

3. Licensing Authority.

- The Authority having power to grant licences 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.

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 Rope ways for the State and the Inspector of Rope ways 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 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 case of the Chief Inspector and once a quarter in case of the District Inspector to inspect the rope ways 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 under Section 21 of the Indian Penal Code, 1860 (Act No. 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 powers imposed and conferred upon them by or under this Act.(5)The State Government may also appoint other subordinate officers and servants with such designations and assign 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. Unauthorised construction, maintenance etc. of Rope ways prohibited.

- No ropeway shall be constructed, opened, maintained or worked except in accordance with the provisions of this Act

6. Application for permission to undertake investigations.

- Every application by an intending promoter for seeking permission to undertake the necessary preliminary investigations in regard to a proposed ropeway shall be submitted to the Licensing Authority in such manner as may be prescribed.

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; (f) such maps, plans, sections and diagrams as may be; (g) a description of basic engineering design and risk analysis of ropeway, schemes for safety requirements and emergency plan for rescue operations; and (h) drawings showing the electrical layouts control circuits, lighting circuits and earthlings systems 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 may 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 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 expense incurred under this section in the event of his application being refused. Chapter-IV Licences Authorising The Construction of Rope ways

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

(1) The Licensing Authority may, on an application being made by an 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 licence 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 licence.(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 v published with the draft licence stating that any objection or suggestion which any person may desire to make with respect to proposed licence will, if submitted to the Licensing Authority within a period of thirty days from the date of notice be received and considered by it.(3)The Licensing Authority shall also cause public notice of the intention to grant the licence 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 licence, 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 licence shall contain such details of the proposed ropeway as may prescribed.

10. Grant of Licence.

(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 the opinion that the application should be granted with or without modifications, or subject to any restrictions or conditions, he shall grant a licence accordingly.(2)Every licence 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 licence has been granted as required by this section.

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

- If a promoter authorised by a licence granted under section 10 to construct a ropeway does not, within the time specified in the licence, make progress according to the schedule of progress approved by the Licensing Authority, the powers given to the promoter by such licence 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 licence and grant of a further licence.

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

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 the licence 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 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 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.

Chapter-VI
Construction and Maintenance of Public Rope ways

14. Authority of promoter to execute works.

- Subject to the provision of this Act and the rules made thereunder, a promoter may - (a) make such survey as he think necessary; (b) place and maintain a rope over, along or access any immovable property; (c) suspend and maintain rope over, along or access any immovable property; (d) make such bridges, culverts, drain, 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 ail 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 Deputy Commissioner, 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 provision to sub-section (1), the Deputy Commissioner shall fix the amount of compensation, or of 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 in to each. The order made shall also fix the date by which 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).

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

(1) Subject to the rules made under this Act, 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 power conferred by sub-section (1), the promoter or his duly authorised servant or agent, as the case may be, shall cause a 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 to the Deputy Commissioner.

16. Removal of obstructions and penalties.

(1) When any tree standing or lying near a public ropeway, or where any structure or other object which has been 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 interferes with the construction, maintenance or use of such ropeway, the Deputy Commissioner may, on the application of the promoter after affording a reasonable opportunity of being heard to the person affected, cause the tree, a structure or object to be removed or otherwise deal 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 Deputy Commissioner shall award to the person interested such compensation as the Deputy Commissioner may recover such amount from the promoter as if it were arrear of land revenue. Chapter-VII Appeals

17. Appeal to and revision by the State Government.

(1) All orders made by the Licensing Authority 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, on its own motion, call for and examine the records of any proceeding for the purpose of satisfying itself as to the legality or propriety of any order made under this Act by the Licensing Authority 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 to the affected party a reasonable opportunity of being heard, pass such order thereon as it may deem fit. Chapter-VIII Working of Ropeways

18. Fixation of rates by the promoter.

- 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, subject to the approval of the Government.

19. Reporting of accidents.

(1) Whenever any accident of a description attended with loss of human life or serious physical injury to any human being or with a serious injury to the property occurs in the course of working of a ropeway, the promoter or any person authorised by him in this behalf shall forthwith - (a) inform and report the matter to the officer-in-charge of the police station in whose jurisdiction the accident

occurs;(b)inform in writing to the Licensing Authority, the Deputy Commissioner and District Magistrate of the District in which the accident has occurred; and(c)inform the nearest hospital or dispensary.(2)If the State Government incurs any expenditure during any rescue operation, the promoter shall be liable to pay the expenditure incurred by the State Government and in case the promoter fails to pay the whole or part of it, it shall be recoverable as arrears of land revenue.

20. Insurance against third party risk.

(1)The promoter of every Ropeway shall obtain a policy of insurance in respect of the Ropeway from an authorised insurer recognised under the relevant insurance law.(2)The policy of insurance obtained by the promoter under sub-section (1) shall cover the insurance of the person travelling in the Ropeway including those persons employed by the promoter in connection with the operation of such Ropeway against any liability which may be incurred by him in respect of the death of or bodily injury to any person including of the goods or his authorised representatives carried in the Ropeway or damage to any property of third party caused by or arising out of the use of Ropeway.

21. Liability to pay compensation on the principles of no fault.

(1)Where death or permanent disablement of any person has resulted from an accident arising out of the use of Ropeway, the promoter or promoters of the Ropeway shall jointly or severally, be liable to pay compensation in respect of such death or disablement of any person.(2)The amount of compensation to be paid under sub section (1) shall be a fixed sum of Rupees five lakhs in case of death of any person and Rupees ten thousand in case of minor injuries, such sum not exceeding Rupees fifty thousand as may be determined by the State Government.(3)A claim of compensation under sub-section (1) shall neither be defeated by reason of any wrongful act, neglect or default of the person in respect of whose death or permanent disablement, the claim has been made nor shall be the quantum of compensation recoverable in respect of such death or permanent disablement be reduced on the basis of the share of such person in the responsibility for such death or permanent disablement.(4)The right to claim compensation under this section in respect of death or permanent disablement of any person shall be in addition to the right of any such person to claim compensation in respect thereof under any other law for the time being in force:Provided that the amount of compensation payable under any other law for the death or bodily injury shall be reduced from the amount of compensation payable under this section.

22. 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 class of traffic is not fit for use, he shall state that opinion, together with the grounds thereof to the Licensing Authority. After such further enquiry, if any, as he may think fit, the Licensing Authority 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 case of extreme urgency, the District Inspector may order the suspension of the ropeway or any part thereof which he considers necessary pending the order of the Licensing Authority who will make necessary order within a period of seven days.(2)When under subsection

(1), a ropeway or any part thereof has been dosed to any traffic, it shall not be reopened to such traffic until it has been inspected by the Chief Inspector and its reopening sanctioned, in the prescribed manner. Chapter-IX Discontinuance of Public Rope-ways

23. Cessation of powers of promoter to discontinue public ropeway.

- If, at any time after the opening of a public ropeway, it is proved 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 respect of such ropeway or part thereof shall from such date as he 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 in the license published under section 10, or if it the period has not been so determined, for a period of three months.

24. Powers of licensing authority to remove a public ropeway on cessation of promoter's power.

- (i) When a declaration has been made by the Licensing Authority Under section 23 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 three 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 cost 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 certified 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 costs of sale, and shall pay over residue, if any, of such proceeds to the promoter. Chapter-X Purchase of Rope-ways

25. Power of State Government and local authorities to purchase Rope-ways.

(1) Where the promoter is the State Government, the State Government may at any time transfer the undertaking or any part thereof to -(a) a local authority or local authorities under terms and conditions approved of by, and with the consent of, such authority or authorities; or Cessation of powers of Promoter to discontinue Public Ropeway. (b) to any other person under such terms and conditions as may be mutually agreed upon between the State Government and the transferee. (2) Where the promoter is not the State Government, the State Government may -(a) Within such limits of time and upon such terms and conditions as may be specified in this behalf in the licence, or (b) If a time was not specified in the licence, then within six months after the

expiration of a period of twenty-one years from the date of the licence, and within six months after the expiration of every subsequent period of seven years, or(c)Within two months after the publication of a notification under section 23 or within six months after the publication of notification under section 27 by notice in writing, require the promoter to sell to the State Government or to a local authority the Ropeway or a(d)part thereof, and thereupon the promoter shall sell the same upon the terms specified in the licence, or if the terms were not specified in the licence, then upon the terms of receiving the then value of the Ropeway, shall be deemed to be twenty-five times the amount of the average yearly net earnings derived by the promoter from the Ropeway or part thereof, during the three years immediately preceding the date of sale:Provided that, if the terms were not specified in the licence published under section 10, the total amount so payable to the promoter shall not exceed by more than twenty percent the total capital expenditure of the promoter on the Ropeway, or part thereof.(3)A requisition shall not be made under sub-section (2) requiring the promoter to sell to the local authority unless the making thereof has been approved by the local authority.(4)When a sale has been made under this section, all the rights, powers and authorities of the promoter in respect of the undertaking or part thereof sold, or, where a notification has been published under section 23 or section 27 , all the rights, powers and authorities of the promoter previous to the publication of the notification in respect of the undertaking or part thereof sold, shall be transferred to the authorities to whom the undertaking or part has been sold, and shall vest in, and may be exercised by, that authority in the same manner as if the ropeway had been constructed by it under a licence made under this Act.(5)Subject to, and in accordance with the preceding provisions of this section, two or more local authorities may jointly purchase an undertaking or so much thereof as is within their circles.(6)Where a purchase has been effected under sub-section (1) or sub-section (5), -(a)The undertaking shall vest in the purchaser free from any debts, mortgages or similar obligations of the promoter or attaching to the undertaking:Provided that any such debts, mortgages or similar obligations shall attach to the purchase money in substitution of the undertaking; and(b)save as aforesaid, the licence published under section 10 shall remain in full force and the purchaser shall deemed to be the promoter:Provided that where the State Government elects to purchase, the order under section 1-0 shall, after purchase, in so far as the State Government is concerned, cease to have any further operation.(7)Not less than two years' notice in writing of any election to purchase under clause (a) or clause (b) of sub-section (2) of this section shall be served upon the promoter by the State Government or the local authority, as the case may be.(8)Notwithstanding anything hereinbefore contained, a local authority may, with the prior sanction of the State Government, waive its option to purchase and enter into an agreement with the promoter for the working by him of the undertaking until the expiration of the next subsequent period mentioned in the order or referred to in clause (b) of sub-section (2), upon such terms and conditions as may be stated in the agreement.

26. Power of promoter to sell when option to purchase not exercised and order revoked by consent.

- Where, on the expiration of any of the periods referred to in section 25, neither the State Government nor local authority purchases the undertaking, and the licence published under section 10 is, on the application or with the consent of the promoter, revoked, the promoter shall have the option of depositing of all lands, buildings, works, materials, plants and apparatus belonging to the

undertaking in such manner as he may think fit. Chapter-XI Inability or Insolvency of Promoter

27. Proceedings in case of inability or insolvency of promoter.

(1) If, at any time, after the opening of an Ropeway, it appears to the State Government that the promoter is insolvent or is unable to maintain the Ropeway or to work the same with advantage to the public, or at all, the State Government may, after considering any statement which the promoter may desire to make, and after such enquiry as it deems necessary, declare by notification in the Official Gazette that the powers of the promoter in respect of such Ropeway, shall, at an expiration of six months from the date of such declaration, be at an end, and thereupon the said powers shall, at the expiration of that period, cease and determine. (2) At any time after the expiration of the said six months, an officer appointed by the State Government in that behalf, may remove the Ropeway in the same manner and subject to the same provisions as to the payment of costs and to the same remedy for the recovery thereof in every respect as in cases of removal under section 24. Chapter-XII Supplementary Provisions

28. Protection of roads, railways and waterways.

- No promoter shall, in the course of construction, repair, working or management of a ropeway, cause any permanent injury to any public road, railway, or waterway if any, or 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.

29. Returns.

- A promoter of a Ropeway for public traffic shall, in respect of such ropeway, submit to the State Government returns of capital, receipts and traffic at such intervals and in such forms as may be prescribed. Chapter-XIII Offences, Penalties

30. 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 (b) opens a ropeway or permits it to be opened in contravention of any of the provision of section 13; or (c) fail to comply with sub-section (4) of section 4; or (d) Works of ropeway existing immediately before the provisions of section 5; or (e) fails to comply provision of section 18; or (f) fail to send notice of any accident as required by section 19; or (g) fails to close a ropeway in accordance with an order passed under sub-section (1) of section. 22 or reopen any ropeway in contravention of sub-section (2) of that section; or (h) continues to exercise the powers of promoter in respect of any ropeway in contravention of the provision of section 23 and 24; or (i) contravenes any of the provision of section 28; or (j) contravenes the provision of any rule made under section 29; he shall, without prejudice to the enforcement of specific performance of this Act, or of any other remedy which may be obtained against him, be punishable With fine which may be extend to Rupees five lakhs and in the case of continuing offence, to a further fine which may

be extent to Rupees ten thousand for every day after the date of first conviction during which the offender is proved to have persisted in the offence.

31. Unlawfully obstructing promoter in exercise of powers.

- If any person without (awful excuse wilfully obstructs any person acting under the authority of the promoter in the lawful exercise of his powers in constructing, maintaining, altering, repairing or working of a Ropeway or injures or destroys any mark made for the purpose of setting out the line or route of such ropeway, he shall be punished with fine which may extend to Rupees one lakh.

32. Unlawfully interfering with Ropeway.

- If any person without lawful excuse wilfully does any of the following things, namely:(a)interferes with, removes or alters any part of a ropeway;(b)does anything in such a manner as to obstruct any vehicle, travelling on an Ropeway;(c)attempts to do, or abets, within the meaning of Indian Penal Code XLV of 1860, the doing of anything mentioned in clause (a) or clause (b); he shall (without prejudice to any other remedy which may be obtained against him in a court of Civil Judicature) be punishable with fine which may extend to Rupees five lakhs.

33. Maliciously doing, abetting or attempting to do, acts endangering safety of persons travelling or being upon Ropeway.

- If any person does anything mentioned in clauses (a), (b) or (c) of section 32 or does, attempts to do, or abets, within the meaning of Indian Penal Code XLV of 1860, the doing of any other act or thing in relation to an Ropeway with intent or with knowledge that he is likely to endanger the safety of any person travelling or being upon the Ropeway, he shall, on conviction, be punished with imprisonment for a term of more than seven years which may extend to fourteen years.

Chapter-XIV
Bye-Laws

34. Power of Promoter to make Bye-Laws.

- A promoter shall, subject to the provisions of sub-section 2 of this section, make bye-laws consistent with this Act -(a)for regulating the speed at which the carriers are to be moved or propelled;(b)for declaring what shall be deemed to be dangerous or offensive goods and for regulating the carriage of such goods;(c)for regulating the maximum number of passengers and animals and the maximum weight of goods to be carried in each carrier;(d)for regulating the use of steam power or any other mechanical power or electrical power on the Ropeway;(e)for regulating the conduct of the promoter's servants; for regulating the qualifications of the staffs employed for running and maintaining the Ropeway;(f)for regulating the terms and conditions on which the promoter will warehouse or retain goods at any station on behalf of the consignee or owner of such goods; and(g)generally for regulating the travelling upon, and the use, working and management of the Ropeway.(2)Such bye-laws may provide that any person who contravenes the provisions of any of them shall be liable to fine which may extend to any sum not exceeding Rupees two thousand and

that, in the case of a breach of a bye-law made under clause (c) of sub-section (1), the promoter's servant responsible for the same shall forfeit a sum not exceeding one month's pay which sum may be deducted by the promoter from his pay.(3)A bye-law made under this section shall not take effect until it has been confirmed by the State Government and published in the official Gazette:Provided that no such bye-law shall be so confirmed until it has been previously published by the promoter in such manner as may be prescribed.

35. 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 condition as may be specified in the notification.

36. Power of State Government to make Rules.

(1)The State Government may by notification in the Official Gazette and subject to previous publication, make rules to carry out the purposes 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 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 on the occurrence of an accident;(d)the standard dimension and specifications to which the ropeway is to conform;(e)the manner in which notice under this Act shall be served;(f)the safe and efficient working of ropeway;(g)the conditions under which, and the manner in which, the power conferred on promoters by section 14 and section 15 may be exercised;(h)the procedure for the disposal of application under sub- section(2) of section 20 to reopen any ropeway or part thereof and the condition 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 the promoters and other persons in respect of licences, application, enquiries, inspection and services rendered under this Act;(k)the procedure for making, hearing and disposing of application under this Act;(l)provision for firefighting, first aid and other amenities; and(m)any other matter which is to be or may be prescribed under this Act.(3)Every rule made under this Act shall be laid, as soon as may be after it is made, before Legislative Assembly while it is in session for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following the session or the successive sessions aforesaid, Legislative Assembly makes any modification in the rule or decides that any such 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.

37. Power to Remove Difficulties.

- If any difficulties arises in giving effect to the provisions of this Act, the State Government may, by order, do anything not inconsistent with the provisions thereof which appears to if be necessary or expedient for the purpose of removing the difficulties: Provided that no such order shall be made after completion of two years from the date of commencement of this Act.